

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE INDIAN ARMY ACT, 1911.
(ACT No. VIII OF 1911.)

AS MODIFIED UP TO THE 1ST AUGUST, 1918.

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Preamble amended, Act XI of 1918, s. 2.
Section 2 amended, Act XI of 1918, s. 2.
Section 2 repealed in part, Act XI of 1918, s. 26 and Schedule.
Section 3 amended, Act XI of 1918, s. 2.
Section 6 amended, Act XI of 1918, s. 3.
Section 7 amended, Act XI of 1918, ss. 2 and 4.
Section 9 amended, Act XI of 1918, s. 5.
Section 10 repealed in part, Act XI of 1918, s. 26 and Schedule.
Section 14 amended, Act XI of 1918, ss. 2 and 6.
Section 15 repealed, Act XI of 1918, s. 26 and Schedule.
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Section 18 repealed in part, Act XI of 1918, s. 26 and Schedule.
Section 19 amended, Act XI of 1918, s. 6.
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Section 43 repealed in part, Act XI of 1918, s. 26 and Schedule.
Section 47 amended, Act XI of 1918, s. 12.
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Section 50 amended, Act XI of 1918, s. 14.
Section 52 amended, Act X of 1917, s. 2.
Section 52A inserted, Act X of 1917, s. 3.
Section 60 amended, Act XI of 1918, s. 2.
Section 74 amended, Act XI of 1918, s. 15.
Section 76 repealed in part, Act X of 1917, s. 4.
Section 79 amended, Act XI of 1918, s. 2.
Section 86 amended, Act XI of 1918, s. 16.
Section 91 amended, Act XI of 1918, s. 17.
Section 91A inserted, Act XI of 1918, s. 18.
Section 93 repealed in part, Act XI of 1918, s. 26 and Schedule.
Section 98 amended, Act XI of 1918, s. 19.
Section 99A inserted, Act XI of 1918, s. 20.
Section 102 amended, Act XI of 1918, s. 6.
Section 107 amended, Act XI of 1918, s. 21.
Section 108 amended, Act XI of 1918, s. 6.
Section 108A inserted, Act XI of 1918, s. 22.
Section 111A inserted, Act XI of 1918, s. 23.
Section 112 substituted, Act XI of 1918, s. 24.
Section 113 amended, Act X of 1917, s. 6.
Section 114 substituted, Act XV of 1914, s. 2.
Section 126 repealed in part, Act XI of 1918, s. 26 and Schedule.
Sections 126A and 126B inserted, Act XI of 1918, s. 25.

THE INDIAN ARMY ACT, 1911

(VIII OF 1911).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.

Application of Act.

2. Persons subject to Act.
3. Special provision as to rank in certain cases.
4. Commanding officer of persons subject to military law under section 2, clause (c).
5. Powers to apply Act to certain forces under the Government of India.
6. Officers to exercise powers in certain cases.

Definitions.

7. Definitions.
-

CHAPTER II.

ENROLMENT AND ATTESTATION.

Enrolment.

8. Procedure before enrolling officer.
9. Enrolment.
10. Presumption of enrolment in certain cases.

Attestation.

11. Persons to be attested.
 12. Mode of attestation.
-

CHAPTER III.

DISMISSAL AND DISCHARGE.

13. Dismissal by Governor General in Council and Commander-in-Chief in India.

14. Dismissal

SECTIONS.

14. Dismissal by officer commanding army, division, brigade, etc.
15. *Repealed.*
16. Discharge.
17. Certificate to person dismissed or discharged.
18. Discharge, etc., out of India.

CHAPTER IV.

SUMMARY REDUCTION AND PUNISHMENTS OTHERWISE THAN
BY ORDER OF COURT-MARTIAL.

19. Reduction of non-commissioned officers.
20. Minor punishments.
21. Collective fines.
22. Punishment of certain Indian followers.

Provost-Marshal.

23. Appointment.
24. Duties and powers.

CHAPTER V.

OFFENCES.

Offences in respect of Military Service.

25. Offences punishable with death.
26. Offences not punishable with death.

Mutiny and Insubordination.

27. Offences punishable with death.
28. Offences not punishable with death.

*Desertion, Fraudulent Enrolment and Absence without
Leave.*

29. Desertion.
30. Harboursing deserter, absence without leave, etc.

Disgraceful Conduct.

31. Disgraceful conduct.

Intoxication.

32. Intoxication.

Offences

Offences in relation to Persons in Custody.

SECTIONS.

33. Offences punishable with death.

34. Offences not punishable with death.

Offences in relation to Property.

35. Offences in relation to property.

Offences in relation to False Documents and Statements.

36. False accusations and offences in relation to documents.

37. False answers on enrolment.

Offences in relation to Courts-martial.

38. Offences in relation to courts-martial.

Miscellaneous Military Offences.

39. Miscellaneous military offences.

39A. Attempts.

Abetment.

40. Abetment.

Civil Offences.

41. Civil offences committed outside British India or on active service in British India.

42. Certain civil offences triable by military law.

CHAPTER VI.

PUNISHMENTS.

43. Punishments.

44. Lower punishments.

45. Corporal punishment.

46. Position of corporal punishment in scale.

47. Combination of punishments.

48. Solitary confinement.

49. Reduction of non-commissioned officers to ranks.

49A. Retention in the ranks of a person convicted on active service.

CHAPTER VII.

CHAPTER VII.

PENAL DEDUCTIONS.

SECTIONS.

- 50. Deductions from pay and allowances.
- 51. Deductions from public money other than pay.
- 52. Remission of deductions.
- 52A. Provision for dependants of prisoners of war.

CHAPTER VIII.

COURTS-MARTIAL.

Constitution and Dissolution of Courts-martial.

- 53. Courts-martial and the kinds thereof.
- 54. Power to convene general courts-martial.
- 55. Power to convene district courts-martial.
- 56. Contents of warrant issued under section 54 or section 55.
- 57. Composition of general courts-martial.
- 58. Composition of district courts-martial.
- 59. Convening order to state if larger number of officers is not available.
- 60. Composition of general or district courts-martial.
- 61. Claim to trial by British officers.
- 62. Convening of summary general courts-martial.
- 63. Composition of summary general courts-martial.
- 64. Summary courts-martial.
- 65. Dissolution of courts.

Jurisdiction of Courts-martial.

- 66. Prohibition of second trial.
- 67. Limitation of trial.
- 68. Place of trial.

Adjustment of the jurisdiction of Courts-martial and Criminal Courts.

- 69. Order in case of concurrent jurisdiction.
- 70. Power of criminal court to require delivery of offender.
- 71. Trial by court-martial no bar to subsequent trial by criminal court.

Powers of Courts-martial.

- 72. Powers of general and summary general courts-martial.

73. Powers

SECTIONS.

- 73. Powers of district court-martial.
- 74. Offences triable by summary court-martial.
- 75. Persons triable by summary court-martial.
- 76. Sentences awardable by summary court-martial.

Procedure at Trials by Court-martial.

- 77. President.
- 78. Judge Advocate.
- 79. Superintending officer.
- 80. Challenges.
- 81. Voting of members.
- 82. Oaths of president and members.
- 83. Oaths of witnesses.
- 84. Summoning witnesses and production of documents.
- 85. Commissions.
- 86. Conviction of one offence permissible on charge of another.
- 87. Majority requisite to sentence of death.

Evidence before Courts-martial.

- 88. General rule as to evidence.
- 89. Judicial notice.
- 90. Presumption as to signatures.
- 91. Enrolment paper.
- 91A. Presumption as to certain documents.
- 92. Reference by accused to Government officer.
- 93. Evidence of previous convictions and general character.

Confirmation and Revision of Findings and Sentences.

- 94. Finding and sentence invalid without confirmation.
- 95. Power to confirm finding and sentence of general court-martial.
- 96. Power to confirm finding and sentence of district court-martial.
- 97. Contents of warrant issued under section 95 or section 96.
- 98. Confirmation of finding and sentence.
- 99. Power of confirming officer to mitigate, remit or commute sentences.
- 99A. Confirmation of finding and sentence on board ship.
- 100. Revision of finding or sentence.
- 101. Finding and sentence of a summary court-martial.
- 102. Transmission of proceedings of summary courts-martial.
- 103. Substitution of valid for invalid sentence.

CHAPTER IX.

EXECUTION OF SENTENCES.

SECTIONS.

- 104. Form of sentence of death.
- 105. Imprisonment to be in military custody.
- 106. Commencement of sentence of transportation or imprisonment.
- 107. Execution of sentence of transportation or imprisonment.
- 108. Execution of sentence of imprisonment in special cases.
- 108A. Offenders sentenced to transportation how dealt with until transportation.
- 109. Communication of certain orders to civil prison officers.
- 110. Limit of solitary confinement.
- 111. Instrument of corporal punishment.
- 111A. Execution of sentence of fine.

CHAPTER X.

PARDONS AND REMISSIONS.

- 112. Pardons and remissions.

CHAPTER XI.

RULES.

- 113. Power to make rules.

CHAPTER XII.

PROPERTY OF DECEASED PERSONS, DESERTERS AND LUNATICS.

- 114. Property of deceased persons and deserters.
Meaning of desertion.
- 115. Disposal of certain property without production of probate, etc.
- 116. Application of section 114 to lunatics.

CHAPTER XIII.

MISCELLANEOUS.

Military Privileges.

- 117. Complaints against officers.
- 118. Privileges of persons attending courts-martial.
- 119. Exemption

SECTIONS.

- 119. Exemption from arrest for debt.
- 120. Property exempted from attachment.
- 121. Application of the last two foregoing sections to reservists.
- 122. Priority of hearing by courts of cases in which Indian officers and soldiers are concerned.

Deserters and Military Offenders.

- 123. Capture of deserters.
- 124. Arrest by military authorities.
- 125. Arrest by civil authorities.
- 126. Inquiry on absence of person subject to Act.

Disposal of Property.

- 126A. Order for custody and disposal of property pending trial in certain cases.
- 126B. Order for disposal of property regarding which offence committed.

Repeal.

- 127. Repeal.

THE SCHEDULE.**REPEAL OF ENACTMENTS.**

ACT No. VIII OF 1911.¹

[16th March, 1911.]

An Act to consolidate and amend the law relating to the government of His Majesty's² Indian Forces.

[As modified up to the 1st August, 1918.]

WHEREAS it is expedient to consolidate and amend the law relating to the government of the [Indian] officers, soldiers and other persons in His Majesty's Indian Forces; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Indian Army Act, 1911. Short title and commencement.

(2) It shall come into force on such 'date as the Governor General in Council may, by notification in the Gazette of India, direct in this behalf.

Application of Act.

2. (1) The following persons shall be subject to this Act, namely:— Persons subject to Act.

(a) [Indian] officers and warrant officers;

(b) persons

¹ For Statement of Objects and Reasons, see Gazette of India, 1910, Pt. V, p. 140; for Report of Select Committee, see *ibid*, 1911, Pt. V, p. 33; and for Proceedings in Council, see *ibid*, 1910, Pt. VI, p. 16, dated 13th August, 1910, and *ibid*, 1911, Pt. VI, pp. 34, 46 and 362.

This Act has been declared in force in British Baluchistan, under s. 3 of the British Baluchistan Laws Regulation, 1913 (II of 1913), see Baluchistan Code.

In the Angul District, by the Angul Laws Regulation, 1913 (III of 1913), s. 3.

² The word "Native" was repealed by s. 26 and Schedule of the Army (Amendment) Act 1918 (XI of 1918).

"wherever they occur" were substituted Act, 1918 (XI of 1918).

³ The 1st January, 1912, see Gazette of India, 1911, Pt. I, p. 122.

(Chapter I.—Preliminary.)

- (b) persons enrolled under this Act;
 (c) persons not otherwise subject to military law, who, on active service, in camp, on the march, or at any frontier post specified by the Governor General in Council by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, His Majesty's Forces :

2* * * * *

(2) Every person subject to this Act under sub-section (1), clause (a) or (b), shall remain so subject until duly discharged or dismissed.

Special provision as to rank in certain cases.

3. (1) The Governor General in Council may, by notification, direct that any persons or class of persons subject to this Act under section 2, sub-section (1), clause (c), shall be so subject as '[Indian] officers, warrant officers or non-commissioned officers, and may authorize any officer to give a like direction with respect to any such person and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

Commanding officer of persons subject to military law under section 2, clause (c).

4. Every person subject to this Act under section 2, sub-section (1), clause (c), shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, department or detachment (if any) to which he is attached, and if he is not attached to any corps, department or detachment, under the command of any officer who may for the time being be

¹ For places declared to be frontier posts under this sub-section and section 22, see Gazette of India, 1911, Pt. I, p. 882.

² The proviso to sub-section (1) of s. 2 was repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

³ For notification declaring the rank of certain Civil officers when subject to the Act, see Gazette of India, 1912, Pt. I, p. 580, and *ibid*, 1912, Pt. I, pp 580 and 1048.

⁴ See footnote ² on p. 9, *supra*.

(Chapter I.—Preliminary.)

be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force:

Provided that an officer commanding a force shall not place a person under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

5. (1) The Governor General in Council may, by notification, apply all or any of the provisions of this Act to any force raised and maintained in India under the authority of the Governor General in Council.

Powers to apply Act to certain forces under the Government of India.

(2) While any of the provisions of this Act apply to any such force, the Governor General in Council may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of that force.

6. (1) Whenever persons subject to this Act are serving—

Officers to exercise powers in certain cases.

(a) out of India under an officer not subject to the authority of the Governor General in Council, or

(b) in India under an officer commanding any military organization not in this section specifically named, and being, in the opinion of the Governor General in Council, not less than a brigade,

the Governor General in Council may prescribe the officer by whom the powers which, under this Act, may be exercised in connection with such persons, be

(2) The

¹ This sub section was substituted by s. 3 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(2) The Governor General in Council may confer such powers either absolutely, or subject to such restrictions, reservations, exceptions and conditions as he may think fit.

Definitions.

Definitions.

7. In this Act, unless there is something repugnant in the subject or context,—

(1) "British officer" means a person holding a commission in His Majesty's land forces *and includes*

(2) "[Indian] officer" means a person commissioned, gazetted or in pay as an officer holding '[an Indian] rank in His Majesty's Indian Forces :

(3) "warrant officer" means a person appointed, gazetted or in pay as '[an Indian] warrant officer in His Majesty's Indian Forces :

(4) "non-commissioned officer" means a person attested under this Act holding '[an Indian] non-commissioned rank in His Majesty's Indian Forces, and includes an acting non-commissioned officer :

(5) "officer" means a British officer or '[Indian] officer, but does not include a warrant officer or non-commissioned officer :

(6) "commanding officer," when used in any provision of this Act with reference to any separate portion of His Majesty's forces or to any department, means the British officer whose duty it is under the regulations of the army, or, in the absence of any such regulation, by the custom of the service, to discharge with respect to that portion of the forces or that department the functions of commanding officer in regard to matters of the description referred to in that provision :

(7) "superior officer," when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer; and, as regards persons placed under his orders, a warrant officer or non-commissioned officer subject to the ²Army Act or the ³His Forces Act. [(8) 'army,'

¹ See footnote * on p. 9, *supra*.

² Collection of Statutes, India, Vol. 1.

'[(8) 'army,' 'army corps,' 'divisions' and 'brigade' mean respectively an army, army corps, division or brigade which is under the command of an officer subject to the authority of the Governor General in Council or, when on active service, an army, army corps, division or brigade under the command of an officer holding a commission in His Majesty's Land Forces.]

(9) "corps" means any separate body of persons subject to this Act or the Army Act which is prescribed as a corps for the purposes of all or any of the provisions of this Act:

(10) "independent brigade" means a brigade which does not form part of a division:

(11) "department" includes any division or branch of a department:

(12) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to military law to act:

(13) "active service," as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against an enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country:

(14) "military custody" means the arrest or confinement of a person according to the usages of the service:

(15) "military reward" includes any gratuity or annuity for long service or good conduct, any good conduct pay, good service pay or pension, and any other military pecuniary reward:

(16) "court-martial" means a court-martial held under this Act:

(17) "criminal

* This clause was substituted by s. 4 of the Indian Army Amendment Act, 1913 (X1 of 1913)

(Chapter I.—Preliminary. Chapter II.—Enrolment and Attestation.)

(17) "criminal court" means a court of ordinary criminal justice in British India, or established elsewhere by the authority of the Governor General in Council:

(18) "civil offence" means an offence which, if committed in British India, would be triable by a criminal court:

(19) "offence" means any act or omission punishable under this Act, and includes a civil offence as hereinbefore defined:

(20) "notification" means a notification published in the Gazette of India:

(21) "prescribed" means prescribed by rules made under this Act: and

(22) all words and expressions used herein and defined in the Indian Penal Code¹ and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Code. Act XI
1860.

CHAPTER II.

ENROLMENT AND ATTESTATION.

Enrolment.

Procedure
before enrol-
ling officer.

8. Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

Enrolment.

9. If, after complying with the provisions of section 8, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of

¹ See the revised edition of the Code, as modified up to 1st June, 1910.

(Chapter II.—Enrolment and Attestation.)

of service, and if he perceives no impediment, he shall sign [and shall also cause the person to sign] the enrolment paper, and the person shall then be deemed to be enrolled.

10. Every person who has for the space of six months been in the receipt of military pay and been borne on the rolls of any corps or department * * * shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of illegality or irregularity in his enrolment.

Presumption of enrolment in certain cases.

Attestation.

11. The following persons shall be attested, namely :—

Persons to be attested.

- (a) all persons enrolled as combatants;
- (b) all other enrolled persons prescribed by the Governor General in Council.

12. (1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his corps or such portion thereof or such members of his department as may be present or by any other prescribed person.

Mode of attestation.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful to His Majesty, His heirs and successors, and that he will serve in His Majesty's Indian Forces and go wherever he is ordered by land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated

* These words were inserted by s. 5 of the Indian Army (Amendment) Act, 1918 (XI of 1918)

* The words "of which the last pay statement, if produced, shall be evidence" were repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter III:—Dismissal and Discharge.)

authenticated by the signature of the officer administering the oath or affirmation.

CHAPTER III.

DISMISSAL AND DISCHARGE.

Dismissal by Governor General in Council and Commander-in-Chief in India

13. The Governor General in Council or the Commander-in-Chief in India may dismiss from the service any person subject to this Act.

Dismissal by officer commanding army, division, brigade, etc.

14. An officer commanding an army, ¹[army corps], division or brigade, or any prescribed officer, may dismiss from the service any person serving under his command other than ²[an Indian] officer.

15. [Dismissal of convicts.] *Rep. by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).*

Discharge.

16. The prescribed authority may, in conformity with any rules prescribed in this behalf, discharge from the service any person subject to this Act.

Certificate to person dismissed or discharged.

17. Every enrolled person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate, in the English language and in the mother tongue of such person (when his mother tongue is not English), setting forth—

(a) the authority dismissing or discharging him;

(b) the cause of his dismissal or discharge;

(c) the full period of his service in the army.

Discharge, etc., out of India

18. (1) Any person enrolled under this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered

¹ These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² See footnote * on p. 9, *supra*.

(Chapter III.—Dismissal and Discharge. Chapter IV.—Summary Reduction and Punishments otherwise than by order of Court-martial.)

ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

(2) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed.

* * * * *

[Provided that, where any such person is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of transportation or imprisonment, a portion of such other punishment, may be inflicted before he is sent to India.]

CHAPTER IV.

SUMMARY REDUCTION AND PUNISHMENTS OTHERWISE THAN BY ORDER OF COURT-MARTIAL.

19. (1) The Commander-in-Chief in India, an officer commanding an army, ^{Reduction of non-commissioned officers} [army corps], division or brigade, or any prescribed officer, may reduce to a lower grade or to the ranks any non-commissioned officer under his command.

(2) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer or, if he has no permanent grade above the ranks, to the ranks.

20. (1) The Commander-in-Chief in India may, ^{Minor punishments.} subject to the control of the Governor General in Council, specify the minor punishments to which persons subject to this Act shall be liable without the intervention of a court-martial, and the officer or

¹ Sub-section (3) was repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² This proviso was added by s. 7 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

³ These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter IV.—Summary Reduction and Punishments otherwise than by order of Court-martial.)

or officers by whom, and the extent to which, such minor punishments may be awarded.

(2) Imprisonment in military custody ^{and, in the case of} may be ^{only} specified as such a minor punishment, provided that ^{active service, any prescribed field punishment} ~~that active service, any prescribed field punishment~~ ^{or field punishment} ~~provided that~~

- (a) the term of such imprisonment shall not exceed twenty-eight days; and
(b) it shall not be awarded to any person of or above the rank of non-commissioned officer, or who, when he committed the offence in respect of which it is awarded, was of or above such rank.

Collective
fines.

21. Whenever any weapon or part of a weapon forming part of the equipment of a half squadron, battery, company or other similar unit is lost or stolen, the officer commanding the army, ¹[army corps], division or independent brigade to which such unit belongs may, after obtaining the report of a court of inquiry, impose a collective fine upon the ²[Indian] officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

Punishment
of certain
Indian
followers

22. (1) For any offence, in breach of good order, the commanding officer of any corps or detachment on active service, in camp, on the march, or at any ³frontier post specified by the Governor General in Council by notification in this behalf at which troops are stationed, may punish any ⁴[Indian] follower of such corps or detachment who is subject to this Act under section 2, sub-section (1), clause (c)—

- (a) if such follower is not a menial servant, with imprisonment for a term which may extend to thirty days, or with fine which may extend to fifty rupees:

(b) if

¹ These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² See footnote * on p. D, *supra*.

³ For places so declared, see Gazette of India, 1911, Pt. I, p. 882.

(Chapter IV.—Summary Reduction and Punishments otherwise than by order of Court-martial.)

(b) if such follower is a menial servant with imprisonment for a term which may extend to seven days, or, if on active service, with corporal punishment not exceeding twelve strokes of a rattan.

(2) Imprisonment awarded under this section may be carried out in a military guard, or in a jail, as ordered by the said commanding officer; and the officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant, under the hand of the said commanding officer, detain the offender according to the exigency of the warrant or until he is discharged by due course of law.

Provost-Marshals.

23. For the prompt and instant repression of irregularities and offences committed in the field or on the march, provost-marshals may be appointed by the Commander-in-Chief in India or an officer commanding an army, [army corps], division or independent brigade or an officer commanding the forces in the field; and the powers and duties of such provost-marshals shall be regulated according to the established custom of war and the rules of the service.

24. (1) The duties of a provost-marshal so appointed are to take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to prevent breaches of the same by persons belonging or attached to the army. ^{Duties and Powers.}

(2) The provost-marshal may punish, corporally, then and there, any person subject to this Act below the rank of non-commissioned officer who, on active service and in his view or in the view of any of his assistants, commits any breach of good order and military discipline:

Provided that such punishment shall be limited to the necessity of the case, and shall accord with the orders

* These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1913 (XI of 1913).

19
He may at any time arrest and detain any person subject to this Act who commits an offence and may also carry into effect any punishment.

orders which the provost-marshal may from time to time receive from the officer commanding the troops, and shall be inflicted with the regulation cat:

Provided also that the orders of the said commanding officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a court-martial.

(3) If the offender is not on active service or if the actual commission of the offence is not witnessed by the provost-marshal or any of his assistants, but sufficient proof can be obtained of the offender's guilt, he shall report the case to the officer commanding the troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

CHAPTER V.

OFFENCES.

Offences in respect of Military Service.

Offences
punishable
with death.

25. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend; or
- (b) in presence of an enemy, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any person subject to military law to abstain from acting against the enemy, or to discourage such person from acting against the enemy, or misbehaves in such manner as to show cowardice; or
- (c) directly or indirectly holds correspondence with, or communicates intelligence to, the enemy, or any person in arms against the State, or who, coming to the knowledge of

(Chapter V.—Offences.)

of any such correspondence or communication, omits to discover it immediately to his commanding or other superior officer; or

- (d) treacherously makes known the watchword to any person not entitled to receive it; or
- (e) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State; or
- (f) in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or
- (g) being a sentry in time of war or alarm, or over any State prisoner, treasure, magazine or dockyard, sleeps upon his post, or quits it without being regularly relieved or without leave; or
- (h) in time of action, leaves his commanding officer or his post or party to go in search of plunder; or
- (i) in time of war, quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (j) in time of war or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any of His Majesty's forces, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, injures or destroys any field, garden or other property of any kind; ¹[or
- (k) on active service commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving];

shall,

¹ The word "or" and clause (k) were added by s. 8 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

1) A provost-marshal may punish with any punishment mentioned in section 22, sub-section (1) clause (b) a follower who is subject to this Act under section 2, sub-section (1) clause (c), and is a military servant and who on active service and in his view, or in the view of any of his [ACT VIII and Chapter IV.—Summary Reduction and Punishment of breaches of martial. Chapter V.—Offences.) and military orders

orders which the provost-marshal may from time to time receive from the officer commanding the troops, and shall be inflicted with the regulation cat:

Provided also that the orders of the said commanding officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a court-martial.

(3) If the offender is not on active service or if the actual commission of the offence is not witnessed by the provost-marshal or any of his assistants, but sufficient proof can be obtained of the offender's guilt, he shall report the case to the officer commanding the troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

CHAPTER V.

OFFENCES.

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25. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend; or
- (b) in presence of an enemy, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any person subject to military law to abstain from acting against the enemy, or to discourage such person from acting against the enemy, or misbehaves in such manner as to show cowardice; or
- (c) directly or indirectly holds correspondence with, or communicates intelligence to, the enemy, or any person in arms against the

(Chapter V.—Offences.)

of any such correspondence or communication, omits to discover it immediately to his commanding or other superior officer; or

- (d) treacherously makes known the watchword to any person not entitled to receive it; or
- (e) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State; or
- (f) in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or
- (g) being a sentry in time of war or alarm, or over any State prisoner, treasure, magazine or dockyard, sleeps upon his post, or quits it without being regularly relieved or without leave; or
- (h) in time of action, leaves his commanding officer or his post or party to go in search of plunder; or
- (i) in time of war, quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (j) in time of war or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any of His Majesty's forces, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, injures or destroys any field, garden or other property of any kind; or
- (k)

shall,

¹ The word "or" and clause (k) were added by s. 8 of the Indian Army (Amendment) Act, 1910 (XI of 1910).

(Chapter V.—Offences.)

shall, on conviction by court-martial, be punished with death, or with such less punishment as is in this Act mentioned.

Offences not
punishable
with death.

26. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) strikes, or forces or attempts to force, any sentry; or
- (b) in time of peace, intentionally occasions a false alarm in camp, garrison or cantonment; or
- (c) being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under his charge or under charge of his guard; or
- (d) being a sentry, in time of peace, sleeps upon his post, or quits it without being regularly relieved or without leave;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Mutiny and Insubordination.

Offences
punishable
with death.

27. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) begins, excites, causes ¹[or conspires with any other persons to cause] or joins in any mutiny; or
- (b) being present at any mutiny, does not use his utmost endeavours to suppress the same; or
- (c) knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State, does not, without delay, give information thereof to his commanding or other superior officer; or
- (d) uses

¹ These words were inserted by s. 9 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter V.—Offences.)

- (d) uses or attempts to use criminal force to, or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such; or
- (e) disobeys the lawful command of his superior officer;

shall, on conviction by court-martial, be punished with death, or with such less punishment as is in this Act mentioned.

28. Any person subject to this Act who commits any of the following offences, that is to say— *Offences not punishable with death*

- (a) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (b) refuses to superintend or assist in the making of any field-work or other military work of any description ordered to be made either in quarters or in the field; or
- (c) impedes a provost-marshal or an assistant provost-marshal, or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of a provost-marshal, or, when called on, refuses to assist, in the execution of his duty, the provost-marshal, assistant provost-marshal, or any such officer, non-commissioned officer or other person;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Desertion, Fraudulent Enrolment and Absence without Leave.

29. Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by court-martial, be punished with death, or with such less punishment as is in this Act mentioned. *Death*

30. Any

(Chapter V.—Offences.)

Harbouring
deserter,
absence
without
leave, etc.

30. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) knowingly harbours any deserter, or who, knowing, or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not without delay give information thereof to his own or some other superior officer, or use his utmost endeavours to cause such deserter to be apprehended; or
- (b) knowing, or having reason to believe, that a person is a deserter, procures or attempts to procure the enrolment of such person; or
- (c) without having first obtained a regular discharge from the corps or department to which he belongs, enrolls himself in the same or any other corps or department; or
- (d) absents himself without leave or without sufficient cause overstays leave granted to him; or
- (e) being on leave of absence and having received information from proper authority that any corps or portion of a corps, or any department, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or
- (f) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or
- (g) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer quits the parade or line of march; or
- (h) in time of peace, quits his guard, picquet or patrol without being regularly relieved or without leave; or

(i) without

(Chapter V.—Offences.)

- (i) without proper authority is found two miles or upwards from camp; or
- (j) without proper authority is absent from his cantonment or lines after tattoo, or from camp after retreat-beating;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Disgraceful Conduct.

31. Any person subject to this Act who commits any of the following offences, that is to say,— Disgraceful conduct.

- (a) dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or military stores of any kind, the property of Government, entrusted to him; or
- (b) dishonestly receives or retains any property in respect of which an offence under clause (a) has been committed, knowing or having reason to believe the same to have been dishonestly misappropriated or converted; or
- (c) wilfully destroys or injures any property of Government entrusted to him; or
- (d) commits theft in respect of any property of Government, or of any military mess, band or institution, or of any person subject to military law, or serving with, or attached to, the army; or
- (e) dishonestly receives or retains any such property as is specified in clause (d) knowing or having reason to believe it to be stolen; or
- (f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person; or
- (g) malingers

(Chapter V.—Offences.)

- (g) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or
- (h) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (i) commits any offence of a cruel, indecent or unnatural kind, or attempts to commit any such offence and does any act towards its commission;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Intoxication.

Intoxication.

32. Any person subject to this Act who is in a state of intoxication, whether on duty or not on duty, shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Offences in relation to Persons in Custody.

Offences punishable with death.

33. Any person subject to this Act who, without proper authority, releases any State prisoner, enemy or person taken in arms against the State, placed under his charge, or who negligently suffers any such prisoner, enemy or person to escape, shall, on conviction by court-martial, be punished with death, or with such less punishment as is in this Act mentioned.

Offences not punishable with death

34. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge; or
- (b) without proper authority releases any prisoner or person placed under his charge,

(Chapter V.—Offences.)

charge, or negligently suffers any such prisoner or person to escape; or

- (c) being in military custody, leaves such custody before he is set at liberty by proper authority;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Offences in relation to Property.

35. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) commits extortion, or without proper authority exacts from any person carriage, portorage or provisions; or
- (b) in time of peace, commits house-breaking for the purpose of plundering, or plunders, destroys or damages any field, garden or other property; or
- (c) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse or any animal used in the public service; or
- (d) makes away with, or is concerned in making away with, his arms, ammunition, equipments, instruments, tools, clothing or regimental necessaries; or
- (e) loses by neglect anything mentioned in clause (d); or
- (f) wilfully injures anything mentioned in clause (d) or any property belonging to Government, or to any military force, band or institution, or to any person subject to military law, or serving with, or attached to the army; or
- (g) sells, pawns, destroys or defaces any medal or decoration granted to him;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

(Chapter V.—Offences.)

Offences in relation to False Documents and Statements..

False accusations and offences in relation to documents

36. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) makes a false accusation against any person subject to military law, knowing such accusation to be false; or
- (b) in making any complaint under section 117, knowingly makes any false statement affecting the character of any person subject to military law, or knowingly and wilfully suppresses any material fact; or
- (c) obtains or attempts to obtain for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement; or
- (d) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the army, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

False answers on enrolment

37. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form

(Chapter V.—Offences.)

form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled; shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Offences in relation to Courts-martial.

38. Any person subject to this Act who commits any of the following offences, that is to say,—

Offences in
relation to
courts-
martial

- (a) when duly summoned to attend as a witness before a court-martial, intentionally omits to attend, or refuses to be sworn or affirmed or to answer any question, or to produce or deliver up any book, document or other thing which he may have been duly warned and called upon to produce or deliver up; or
- (b) intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of, a court-martial while sitting; or
- (c) having been duly sworn or affirmed before any court-martial or other military court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true;

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

Miscellaneous Military Offences.

39. Any person subject to this Act who commits any of the following offences, that is to say,—

Miscellaneous
military
offences.

- (a) being an officer or warrant officer, behaves in a manner unbecoming his position and character; or

(b) strikes

(Chapter V.—Offences.)

*Offences in relation to False Documents and Statements.*False accusa-
tions and
offences in
relation to
documents

36. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) makes a false accusation against any person subject to military law, knowing such accusation to be false; or
- (b) in making any complaint under section 117, knowingly makes any false statement affecting the character of any person subject to military law, or knowingly and wilfully suppresses any material fact; or
- (c) obtains or attempts to obtain for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement; or
- (d) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the army, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;

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(Chapter V.—Offences.)

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- (b) intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of, a court-martial while sitting; or
- (c) having been duly sworn or affirmed before any court-martial or other military court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true;

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Miscellaneous
military
offences.

- (a) being an officer or warrant officer, behaves in a manner unbecoming his position and character; or

(b) strikes

(Chapter V.—Offences.)

- (b) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position; or
- (c) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or
- (d) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or
- (e) attempts to commit suicide and does any act towards the commission of such offence; or
- (f) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bázár, carrying a sword, bludgeon or other offensive weapon; or
- (g) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or
- (h) neglects to obey any general or garrison or other orders; or
- (i) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and military discipline;

shall

(Chapter V.—Offences.)

shall, on conviction by court-martial, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

[39A. Whoever attempts to commit an offence punishable by this Act, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence may, where no express provision is made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence.] *Attempts.*

Abetment.

40. Every person subject to this Act who abets any offence punishable under this Act may be punished with the punishment provided in this Act for such offence. *Abetment.*

Civil Offences.

41. Every person subject to this Act who at any place beyond British India, or when on active service in British India, commits any civil offence shall be deemed to be guilty of an offence against military law, and, if charged therewith under this section shall, subject to the provisions of this Act, be liable to be tried for the same by court-martial, and on conviction to be punished as follows, that is to say:— *Civil offences committed outside British India or on active service in British India.*

(a) if the offence is one which would be punishable under the law of British India with death or with transportation, he shall be liable to suffer any punishment assigned for the offence by the law of British India; and

There is no punishment

(b) in c

any
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ment as might be awarded to him in pursuance of this Act in respect of any act prejudicial to good order and military discipline.

¹ This section was inserted by s. 12 of the Indian Army Act, 1913 (XI of 1913).

(Chapter V.—Offences. Chapter VI.—Punishments.)

Certain civil
offences
triable by
military law.

42. Every person subject to this Act who commits or attempts to commit or abets the commission of an offence punishable under Chapter VI of the Indian Penal Code,¹ or any of the following offences against any person subject to military law, that is to say, murder, culpable homicide or any offence punishable under any of the sections 323 to 335 (both inclusive), or section 506 of the said Code, shall be deemed to be guilty of an offence against military law, and, if charged under this section with any such offence, shall, subject to the provisions of this Act, be liable to be tried by court-martial, and on conviction shall be liable to suffer any punishment assigned for the offence by the said Code. Act XLV
1860.

CHAPTER VI.

PUNISHMENTS.

Punishments

43. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted by court-martial, according to the scale following, that is to say:—

- (a) death;
- (b) transportation for life or for any period not less than seven years;
- (c) imprisonment ²[either rigorous or simple] for any term not exceeding fourteen years;
- (d) dismissal from the service;
- (e) in the case of officers and warrant officers, suspension from rank, pay and allowances for ³[a period not exceeding two months];
- (f) reduction

¹ See the revised edition of the Code, as modified up to the 1st June, 1910.

² These words were substituted for the words and brackets "(with or without sol (Amendment) 2" he Indian Army

³ These words were substituted for the words "a stated period," by s. 11 (2) of (XI of 1918).

(Chapter VI.—Punishments.)

- (f) reduction, in the case of a warrant officer, to a lower grade or class (if any) of warrant officer, or in the case of a non-commissioned officer, to a lower grade or to the ranks;
- (g) in the case of officers, warrant officers and non-commissioned officers, forfeiture of seniority of rank;
- ¹[(gg) in the case of officers, reprimand or severe reprimand];
- (h) forfeitures and stoppages as follows, namely:—
 - (i) forfeiture of service for the purpose of promotion, increased pay, pension or any other prescribed purpose;
 - (ii) forfeiture of any military decoration or military reward;
 - (iii) forfeiture, in the case of a person sentenced to dismissal from the service
 * * * * * of all arrears of
 pay and allowances and other public
 money due to him at the time of such
 dismissal;
 - (iv) stoppages of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.
 - ²[(v) on active service forfeiture of pay and allowances for a period not exceeding three months.]

44. Where in respect of any offence under this Act there is specified a particular punishment or such less punishment as is in this Act mentioned, there may be awarded in respect of that offence instead of such particular punishment (but subject to the

Lower punishments.

¹ This clause was inserted by s. 11 (3) of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² The words "or whose sentence involves such dismissal" were repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

³ This sub-clause was added by s. 11 (4) of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VI.—Punishments.)

the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment

corporal
punishment
in scale.

Comb'nation
of punish-
ments.

Solitary
confinement.

of commutation, be deemed to stand in the scale of punishments next below dismissal.

47. A sentence of a court-martial may award, in addition to or without any one other punishment, any one or more of the punishments specified in clauses (d), (f), ¹[(gg)] and (h) of section 43.

48. Whenever any person is sentenced to rigorous imprisonment, the court may, by its sentence, order that the offender shall be kept in solitary confinement for any portion or portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say,—

(a) a time not exceeding one month if the term of imprisonment does not exceed six months;

(b) a time not exceeding two months if the term of imprisonment exceeds six months and does not exceed one year;

(c) a

¹ The brackets and letters " (gg) " were inserted by s. 12 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VI.—Punishments. Chapter VII.—
Penal Deductions.)

(c) a time not exceeding three months if the term of imprisonment exceeds one year.

49. A non-commissioned officer sentenced by court-martial to transportation, imprisonment, ~~cor-~~ ^{Reduction of non-commissioned officers to ranks} ~~poral~~ punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

[49A. When any person on active service has been sentenced by court-martial to dismissal or to transportation or imprisonment, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and where such person has been sentenced to transportation or imprisonment, such service shall be reckoned as part of his term of transportation or imprisonment.] ^{Retention in the ranks of a person convicted on active service.}

CHAPTER VII.

PENAL DEDUCTIONS.

50. The following penal deductions may be made from the pay and allowances of a person subject to this Act, that is to say,— ^{Deductions from pay and allowances.}

- (a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war, and for every day of imprisonment awarded by a criminal court, a court-martial, or an officer exercising authority under section 20; ^{or of field punishment awarded by a court-martial or such officer}
- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment, ^{or field punishment} by an officer exercising authority under section 20;

(c) all

¹ This section was added by s. 13 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VII.—Penal Deductions.)

- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the ¹* medical officer attending on him* ^{**} to have been caused by an offence under this Act committed by him;
- ³[(cc) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be specified by order of the Commander-in-Chief in India];
- (d) all pay and allowances ordered by a court-martial to be suspended or forfeited under section 43;
- (e) any sum ordered by a court-martial to be stopped under section 43;
- (f) any sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, regimental necessaries or military decoration, or to any buildings or property, as may be awarded by his commanding officer;
- (g) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 41 or section 42, or an officer exercising authority under section 20 or section 21:

Provided that the total deductions from the pay and allowances of a person subject to this Act made under clauses (c) to (g), both inclusive, shall not
(except

¹The word "proper" was repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

²The words "at the hospital" were repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

³This clause was inserted by s. 14 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VII.—Penal Deductions.)

(except in the case of a person sentenced to dismissal * * * *) exceed in any one month one-half of his pay and allowances for that month.

Explanation.—For the purposes of clauses (a) and (b)—

- (i) absence or custody for six consecutive hours or upwards, whether wholly in one day or partly in one day and partly in another, may be reckoned as absence or custody for a day;
- (ii) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody, and
- (iii) any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any military duty which was thereby thrown upon some other person.

51. Any sum authorized by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension. Deductions from public money other than pay.

52. Any deduction from pay and allowances authorized by this Act may be remitted in such manner [and to such extent]² and by such authority as may from time to time be prescribed. Remission of deductions

³[52A. (1) In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under section 50, but in respect of whom a remission has been made under section Provision for dependants of prisoners of war.

¹ The words "or whose sentence involves dismissal" were repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² These words were inserted by s. 2 of the Indian Army (Amendment) Act, 1917 (X of 1917).

³ This section was inserted by s. 3 of the Indian Army (Amendment) Act, 1917 (X of 1917).

(Chapter VII.—*Penal Deductions.* Chapter VIII.
—*Courts-martial.*)

section 52, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

(2) Any payments hitherto made to dependants by way of deductions from pay and allowances which, if this section had been in force, could have been validly made are hereby validated.]

CHAPTER VIII.

COURTS-MARTIAL.

Constitution and Dissolution of Courts-martial.

Courts-martial and the kinds thereof.

53. For the purposes of this Act there shall be four kinds of courts-martial, that is to say:—

- (1) general courts-martial;
- (2) district courts-martial;
- (3) summary general courts-martial; and
- (4) summary courts-martial.

Power to convene general courts-martial.

54. A general court-martial may be convened by the Commander-in-Chief in India, or by any officer empowered in this behalf by warrant of the Commander-in-Chief in India.

Power to convene district courts-martial.

55. A district court-martial may be convened by any officer having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such officer.

Contents of warrant issued under section 54 or section 55. Composition of general courts-martial.

56. A warrant issued under section 54 or section 55 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

57. A general court-martial shall consist of not less than seven officers unless that number, due regard

(Chapter VIII.—Courts-martial.)

gard being had to the public service, is not available, in which case the court may consist of not less than five officers.

58. A district court-martial shall consist of not less than three officers.

Composition of district courts-martial.

59. Whenever a general court-martial is ordered to be composed of the smaller number of officers specified in section 57, the order convening the court shall state that the larger number of officers is not, due regard being had to the public service, available, and such statement shall be conclusive evidence of the fact so stated.

Convening order to state if larger number of officers is not available.

60. The officers composing a general or district court-martial shall, at the discretion of the convening officer, but subject to the provisions of section 61, either be British or ¹[Indian] officers, but shall not be partly British and partly ¹[Indian] officers.

Composition of general or district courts-martial.

61. (1) Any person subject to this Act who is under orders for trial by general or district court-martial may claim to be tried by British officers.

Claim to trial by British officers.

(2) In all cases the right of making such a claim shall, before the court is convened, be explained to the person under orders for trial by the commanding officer, or some officer deputed by him in this behalf, and, when such a claim is made, the court shall be constituted accordingly.

62. The following authorities shall have power to convene a summary general court-martial, namely:—

Convening of summary general courts-martial.

- (a) an officer empowered in this behalf by an order of the Governor General in Council or of the Commander-in-Chief in India;
- (b) on active service, the officer commanding the forces in the field, or any officer empowered by him in this behalf;
- (c) an officer commanding any detached portion of His Majesty's troops upon active service when, in his opinion, it is not practicable

¹ See footnote * on p. 9, *supra*.

(Chapter VIII.—Courts-martial.)

practicable, with due regard to discipline and the exigencies of the service, that an offence should be tried by an ordinary general court-martial.

Composition
of summary
general
courts-
martial.
Summary
courts-
martial.

63. A summary general court-martial shall consist of not less than three officers.

64. (1) A summary court-martial may be held—

(a) by the commanding officer of any corps or department of His Majesty's Indian Forces, or of any detachment of those forces;

(b) by the commanding officer of any British corps or detachment to which details subject to this Act are attached.

(2) At every summary court-martial the officer holding the trial shall alone constitute the court, but the proceeding shall be attended throughout by two other officers who shall not, as such, be sworn or affirmed.

Dissolution
of courts.

65. (1) If a court-martial after the commencement of a trial is reduced below the smallest number of officers of which it is by this Act required to consist, it shall be dissolved:

Provided that a general court-martial shall not be dissolved under the provisions of this sub-section unless it is reduced below five officers.

(2) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this section, the accused may be tried again.

Jurisdiction of Courts-martial.

Prohibition
of second
trial.

66. When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under section 20 or section 22,

trial by court-martial of any person subject to this Act for an offence (other than an offence of mutiny, desertion or fraudulent enrolment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or fraudulent enrolment shall be commenced if the person concerned has, subsequently to the commission of the offence, been continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

EXPLANATION.—For the purposes of this section, 'mutiny' means any of the offences specified in clauses (a), (b) & (c) of section 27."

Adjustment of the jurisdiction of Courts-martial and Criminal Courts.

69. When a criminal court and a court-martial have each jurisdiction in respect of an offence, it shall be in the discretion of the prescribed military authority to decide before which court the proceedings shall be instituted, and, if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in military custody.

Order in case of concurrent jurisdiction.

70. (1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any alleged offence, it may, by written notice, require the prescribed military authority at its option either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Governor General in Council.

Power of criminal court to require delivery of offender.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question

(Chapter VIII.—Courts-martial.)

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Voting of
members.

81. (1) Every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the accused.

(2) In matters other than a challenge or the finding or sentence, the president shall have a casting vote.

Oaths of
president and
members.

82. An oath or affirmation in the prescribed form shall be administered to every member of every court-martial and to the judge advocate or superintending officer before the commencement of the trial.

Oaths of
witnesses.

83. Every person giving evidence at a court-martial shall be examined on oath or affirmation, and shall be duly sworn or affirmed in the prescribed form.

Summoning
witnesses and
production of
documents.

84. (1) The convening officer, the president of the court, the judge advocate, or the commanding officer of the accused person, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(2) In

(2) In the case of a witness amenable to military authority, the summons shall be sent to the officer commanding the corps, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with convenient certainty.

(5) Nothing in this section shall be deemed to affect the ^{of 1872.} Indian Evidence Act, 1872, sections 123 and 124, or to apply to any letter, postcard, telegram or other document in the custody of the postal or telegraph authorities.

(6) If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause search to be made for and to detain such document pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

85. (1) Whenever, in the course of a trial by ^{Commissioners} court-martial, it appears to the court that the examination of a witness is necessary for the ends
of

(Chapter VIII.—Courts-martial.)

of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate General may then, if he thinks necessary, issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) When the witness resides in the territories of any prince or chief in India in which there is an officer representing the British Indian Government, the commission may be issued to such officer.

(4) The Magistrate or officer to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the 'Code

Act V of 1898

of Criminal Procedure, 1898.

(5) Where the commission is issued to such officer as is mentioned in sub-section (3), he may delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

(6) When the witness resides out of India, the commission may be issued to any British consular officer, British Magistrate or other British official competent to administer an oath or affirmation in the place where such witness resides.

(7) The prosecutor and the accused person in any case in which a commission is issued may respectively forward any interrogatories in writing which

(Chapter VIII.—Courts-martial.)

which the court may think relevant to the issue, and the Magistrate or officer to whom the commission is issued shall examine the witness upon such interrogatories.

(8) The prosecutor and the accused person may appear before such Magistrate or officer by pleader or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

(9) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate General.

(10) On receipt of a commission and deposition returned under sub-section (9), the Judge Advocate General shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to the inspection of the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(11) In every case in which a commission is issued under this section the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

Explanation.—In this section, the expression "Judge Advocate General" means the Judge Advocate General in India, and includes a Deputy Judge Advocate General.

86. (1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave.

(2) A person charged before a court-martial with attempting to desert or of being a deser-

Conviction of the offence punishable on charge of another.

(Chapter VIII.—Courts-martial.)

(3) A person charged before a court-martial with any of the following offences specified in section 31, that is to say, theft, dishonest misappropriation or conversion to his own use of property entrusted to him, or dishonestly receiving or retaining property in respect of which any of the aforesaid offences has been committed knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted, may be found guilty of any other of these offences with which he might have been charged.

(4) A person charged before a court-martial with an offence punishable under section 41 or section 42 may be found guilty of any other offence of which he might have been found guilty if the provisions of the 'Code of Criminal Procedure, 1898, were applicable. Act V of 1898.

(5) A person charged before a court-martial with any other offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

²[(6) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of that offence although the attempt or abetment is not separately charged.]

Majority
requisite to
sentence of
death.

87. No sentence of death shall be passed by any court-martial without the concurrence of two-thirds at the least of the members of the court.

Evidence before Courts-martial.

General rule
as to evi-
dence.

88. The 'Indian Evidence Act, 1872, shall, I of 1872 subject to the provisions of this Act, apply to all proceedings before a court-martial.

89. A

¹ Genl. Acts, Vol. V.

² This sub-section was added by s. 16 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

³ Genl. Acts, Vol. II.

(Chapter VIII.—Courts-martial.)

89. A court-martial may take judicial notice of any matter within the general military knowledge of the members. Judicial notice.

90. In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil or military service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown. Presumption as to signatures.

91. Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given. ¹[The enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.] Enrolment paper.

²[91A. (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Forces, or respecting the circumstance of any person not having served in, or belonged to, any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor General in Council or the Commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document. Presumption as to certain documents.

(2) An Army List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, battalion or

¹ These words were substituted for the words "and of the enrolment of such person" by s. 17 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² This section was inserted by s. 18 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VIII.—Courts-martial.)

or arm or branch of the service to which such officers or warrant officers belong.

(3) Where a record is made in any regimental book, in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of military duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any regimental book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a provost-marshal, assistant provost-marshal or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by such provost-marshal, assistant provost-marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police-officer not below the rank of an officer in charge of a police-station, a certificate purporting to be signed by such police-officer and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.]

Reference by
accused to
Government
officer.

92. (1) If at any trial for desertion, absence without leave, overstaying leave or not rejoin when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any officer in the civil or military service of Government,

(Chapter VIII.—Courts-martial.)

Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

93. (1) When any person subject to this Act has been convicted by a court-martial of any offence, such court-martial may inquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial or by a criminal court, and may further inquire into and record the general character of such person, and such other matters as may be prescribed.

Evidence of previous convictions and general character.

(2) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall be lawful for any person tried that to give notice of such evidence to the court, and to cross-examine the witnesses, and to adduce evidence in rebuttal of the evidence so given.

1* * * *

person tried that
as or character

he officer hold-
record any pre-
er, his general

as may be pre-

knowledge, instead of requir-

to be proved under the foregoing provisions

of this section.

94. No

* The words "to prove the signature to such certified extracts, nor shall it be necessary" were repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VIII.—Courts-martial.)

Confirmation and Revision of Findings and Sentences.

Findings and sentence invalid without confirmation.

Power to confirm findings and sentence of general court-martial.

Power to confirm findings and sentence of district court-martial.

Contents of warrant issued under section 95 or section 96. Confirmation of finding and sentence.

94. No finding or sentence of a general or district court-martial shall be valid except so far as it may be confirmed as provided by this Act.

95. The findings and sentences of general courts-martial may be confirmed by the Commander-in-Chief in India, or by any officer empowered in this behalf by warrant of the Commander-in-Chief in India.

96. The findings and sentences of district courts-martial may be confirmed by any officer having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such officer.

97. A warrant issued under section 95 or section 96 may contain such restrictions, reservations or conditions as the officer issuing it may think fit.

98. (1) The finding and sentence of a summary general court-martial shall require to be confirmed by the convening officer¹ [or if the convening officer so directs, by an authority superior to the convening officer]—

- (a) in the case of the trial of an officer,
- (b) in the case of an acquittal or a sentence of death or transportation or imprisonment for a term exceeding two years, and
- (c) in any other case if so ordered by the² [convening] officer.

(2) Save as provided in sub-section (1), a sentence passed by a summary general court-martial shall not require to be confirmed, but may be carried out forthwith.

99. Subject to such restrictions as may be contained in any warrant issued under section 95 or section 96, a confirming officer may, when confirming the

Power of confirming officer to mitigate, remit or commute sentences.

¹ These words were inserted by s. 19 (1) of the Indian Army (Amendment) Act, 1918 (XI of 1918).

² This word was substituted for the word "said" by s. 19 (2) of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VIII.—Courts-martial.)

the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any less punishment or punishments to which the offender might have been sentenced by the court-martial :

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the court.

¹[99A. When any person subject to this Act is tried and sentenced by court-martial while on board ship, the finding and sentence so far as not confirmed and executed on board ship may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.] Confirmation of finding and sentence on board ship.

100. (1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming officer; and on such revision, the court, if so directed by him, may take additional evidence. Revision of finding or sentence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or if a district court-martial, of three officers.

101. The finding and sentence of a summary court-martial shall not require to be confirmed, but may be carried out forthwith : Finding and sentence of a summary court-martial.

Provided that, if the officer holding the trial is of less than five years' service, he shall not, except on active service, carry into effect any sentence until it has received the approval of an officer commanding not less than a corps.

102. The

¹ This section was inserted by s. 20 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter VIII.—Courts-martial. Chapter IX.—
Execution of Sentences.)

Transmission
of proceedings
of summary
courts-
martial.

102. The proceedings of every summary court-martial shall without delay be forwarded to the officer commanding the division or brigade within which the trial was held, or to the prescribed officer; and such officer, or the Commander-in-Chief in India, or the officer commanding the army, ¹[or army corps,] in which the trial was held, may, for reasons based on the merits of the case, but not on any merely technical grounds, set aside the proceedings or reduce the sentence to any other sentence which the court might have passed.

Substitution
of valid
for invalid
sentence.

103. Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority who would have had power under section 112 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence:

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the invalid sentence.

CHAPTER IX.

EXECUTION OF SENTENCES.

Form of
sentence
of death.

104. In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

Imprison-
ment to be
in military
custody.

105. Whenever any person is sentenced under this Act to simple imprisonment, such sentence shall be carried out by confinement in military custody.

106. Whenever

¹ These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

(Chapter IX.—Execution of Sentences.)

106. Whenever any person is sentenced under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president or, in the case of a summary court-martial, by the court.

107. Whenever any sentence of transportation or rigorous imprisonment is passed under this Act, or whenever any sentence so passed is commuted to transportation or to rigorous imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined, and shall forward him to such prison with the warrant :

Provided that, in the case of a sentence of rigorous imprisonment for a period not exceeding three months, the confirming officer, or, in the case of a sentence which does not require confirmation, the court, may direct that the sentence shall be carried out by confinement in military custody.

[Provided further that on active service a sentence of rigorous imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may, from time to time, appoint.]

108. Whenever, in the opinion of an officer commanding an army, ²[army corps], division or independent brigade, any sentence or portion of a sentence of imprisonment cannot, for special reasons, conveniently be carried out in accordance with the provisions of section 105 or section 107, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

¹[108A. In

¹ This provision was added by s. 21 of the Indian Army (Amendment) Act, 1913 (XI of 1913)

² These words were inserted by s. 6 of the Indian Army (Amendment) Act, 1918 (XI of 1918).

*(Chapter XII.—Property of Deceased Persons,
Deserters and Lunatics.)*

officer may, if he thinks fit, require the secretary or other proper officer of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules, and after the payment thereof in accordance with such requisition, no person shall have any right in respect of the deposit except as hereinafter provided.

(3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the regimental or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clauses (1) and (2) to that representative.

(4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the regimental and other debts in camp or quarters (if any), and, in the case of a deceased person, the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2).

(5) The surplus, if any, shall, in the case of a deceased person, be paid to his representative (if any), or in the event of no claim to such surplus being established within twelve months after the death, then the same shall be remitted to the prescribed person.

(6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to His Majesty, unless the deserter shall in the meantime have surrendered or been apprehended.

Meaning of
desertion.

Explanation.—A person shall be deemed to be a deserter within the meaning of this section who has
without

1911.]

Army.

(Chapter XII.—Property of Deceased Persons,
Deserters and Lunatics. Chapter XIII.—
Miscellaneous.)

without authority been absent from duty for a period of sixty days and has not subsequently surrendered or been apprehended.]

115. Property deliverable and money payable to the representative of a deceased person under section 114 may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor, of a deceased person against any person to whom such delivery or payment has been made.

Disposal of certain property without production of probate, etc.

116. The provisions of section 114 shall, *so far as they can be made applicable, apply in the case of a person subject to this Act becoming insane, or of a person being on active service, is officially recognised as such.*

✱

CHAPTER XIII.

MISCELLANEOUS.

Military Privileges.

(Chapter XIII.—Miscellaneous.)

(2) When the officer complained against is the officer to whom any complaint should, under sub-section (1), be preferred, the aggrieved person may complain to such officer's next superior officer.

(3) Every officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

(4) Every such complaint shall be preferred through such channels as may be from time to time specified by proper authority.

Privileges of
persons
attending
courts-
martial.

118. (1) No president or member of a court-martial, no judge advocate or superintending officer, no party to any proceeding before a court-martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Exemption
from arrest
for debt.

119. (1) No person subject to this Act shall, so long as he belongs to His Majesty's Indian forces, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue-officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee shall be payable to the court by the complainant.

Property
exempted
from
attachment.

120. Neither the arms, clothes, equipment, accoutrements or necessities of any person subject to this

(Chapter XIII.—Miscellaneous.)

this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue-officer, in satisfaction of any decree or order enforceable against him.

121. Every person belonging to the Indian Reserve Forces shall, when called out for or engaged upon or returning from training or service, be entitled to all the privileges accorded by sections 119 and 120 to a person subject to this Act.

Application of the last two foregoing sections to reservists.

122. (1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper military authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on

Priority of hearing by courts of cases in which Indian officers and soldiers are concerned.

be granted or applied for.

(2) The certificate from the proper military authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(Chapter XIII.—Miscellaneous.)

(5) If in any case a question arises as to the proper military authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer commanding a corps, whose decision shall be final.

Deserters and Military Offenders.

Capture of
Deserters.

123. (1) Whenever any person subject to this Act deserts, the commanding officer of the corps, department or detachment to which he belongs shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, to military custody.

(2) Any police-officer may arrest without warrant any person reasonably believed to be subject to this Act and to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

Arrest by
military
authorities

124. (1) Any person subject to this Act who is charged with an offence may be taken into military custody.

(2) Any such person may be ordered into military custody by any superior officer.

(3) The charge against every person taken into military custody shall, without unnecessary delay, be investigated by the proper military authority, and, as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

Arrest by civil
authorities.

125. Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any Magistrate or police-officer, such Magistrate or officer shall aid in the apprehension and delivery to military custody of such person
upon

(Chapter XIII.—Miscellaneous.)

upon receipt of a written application to that effect signed by his commanding officer.

126. (1) When any person subject to this Act has been absent without due authority from his duty for a period of sixty days, a court of inquiry shall, as soon as practicable, be assembled and upon oath or affirmation administered in the prescribed manner, shall inquire respecting the absence of the person, and the deficiency, if any, of property of the Government entrusted to his care, or of his arms, ammunition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the corps or department to which the person belongs shall enter in the court-martial book of the corps or department a record of the declaration.

Inquiry on absence of person subject to Act.

(2) If the person declared absent does not afterwards surrender, or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

* * * * *

Disposal of Property.

126A. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

Order for custody and disposal of property pending trial in certain cases.

126B. (1) After the conclusion of a trial before any court-martial, the court or the officer confirming the trial

Order for disposal of property pending trial regarding which

* Sub-section (3) of s. 126 was repealed by s. 26 and Schedule of the Indian Army (Amendment) Act, 1918 (XI of 1918).
 * Sections 126A and 126B were inserted by s. 25 of the Indian Army (Amendment) Act, 1918 (XI of 1918).
the offence committed.

(Chapter XIII.—Miscellaneous.)

the finding or sentence of such court-martial or any authority superior to such officer, or, in the case of a court-martial whose finding or sentence does not require confirmation, the officer commanding the army, army corps, division or brigade within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under subsection (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency-town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the ¹Code of Criminal Procedure, 1898.

Act V
1898.

Explanation.—In this section the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

Repeal.

Repeal.

127. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof :

Provided

¹ Genl. Acts, Vol. V.

(The Schedule.)

Provided that all warrants issued and persons enrolled or attested under the provisions of any of the said enactments shall be deemed to have been respectively issued, enrolled or attested under this Act.

THE SCHEDULE.
 REPEAL OF ENACTMENTS.
(See section 127.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
1869	V	The Indian Articles of War .	The whole.
1875	V	The Unattested Sepoys Act, 1875	Ditto.
1891	XII	The Amending Act, 1891 .	So much of section 2, sub-section (2) and the Second Schedule as relates to the Indian Articles of War.
1894	XII	The Indian Articles of War Amendment Act, 1894.	The whole.
1897	XIV	The Indian Short Titles Act, 1897.	So much of section 2 and the Schedule as relates to Act V of 1875.
1900	I	The Indian Articles of War Amendment Act, 1900.	The whole.
1901	IX	The Indian Articles of War Amendment Act, 1901.	Ditto.
1904	XIII	The Indian Articles of War Amendment Act, 1904.	Ditto.
1905	V	The Indian Articles of War Amendment, Act, 1905.	Ditto.

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THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year	No	Short title.	Amendments.
1881	V	The Probate and Administration Act, 1881— <i>contd.</i>	<p>After section 90, the following sections shall be inserted, namely:—</p> <p>"90A. An executor or administrator may in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—</p> <p>(a) on such acts as may be necessary for the proper care and management of any property belonging to any estate administered by him, and</p> <p>(b) with the sanction of the High Court, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.</p> <p>"90B. An executor or administrator shall not be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Administrator General by or under the Administrator General's Act, 1913."</p>
1887	XVI	The Punjab Tenancy Act, 1887.	<p>In sections 81, 99, 100 and 105, for the words "Chief Court" wherever those words occur in the said sections the words "High Court" shall be substituted.</p>
"	XVII	The Punjab Land Revenue Act, 1887.	<p>In clauses (d) and (e) of subsection (2) of section 117, for the words "Chief Court" the words "High Court" shall be substituted.</p>

THE SECOND SCHEDULE.

REPEALS.

(See section 3.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.

ACT No. II OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 11th February, 1920.)

An Act further to amend the Indian Army Act, 1911.

of 1911. **W**HEREAS it is expedient further to amend the Indian Army Act, 1911; It is hereby enacted as follows :—

1. This Act may be called the Indian Army Short title.
(Amendment) Act, 1920.

of 1911. 2. In section 116 of the Indian Army Act, 1911, Amendment of section 116, Act VIII of 1911. after the words "becoming insane" the following shall be added, namely :—

"or, who, being on active service, is officially reported missing :

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report."

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ACT No XXXVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 9th
September, 1920)*

An Act further to amend the Indian Army
Act, 1911.

VIII of 1911 **W**HEREAS it is expedient further to amend the
Indian Army Act, 1911; It is hereby enacted
as follows :—

1. This Act may be called the Indian Army short title.
(Amendment) Act, 1920.

III of 1911 2. In sub-section (2) of section 20 of the Indian Amendment
of section 20
of Act VIII
of 1911.
Army Act, 1911 (hereinafter referred to as the said
Act),—

(1) for the words "Imprisonment in military
custody may be specified as such a minor punish-
ment" the words "Imprisonment in military cus-
tody and, in the case of persons subject to this Act
on active service, any prescribed field punishment
may be specified as minor punishments" shall be
substituted, and

(2) in clause (a) after the word "imprisonment"
the words "or field punishment" shall be inserted.

3. In section 24 of the said Act—

(1) to sub-section (1) the words "He may at any Amendment
of section 24
of Act VIII
of 1911.
time arrest and detain for trial any person subject
to this Act who commits an offence and may also
carry into effect any punishments to be inflicted in
pursuance of the sentence of a court-martial" shall
be added; and

(2) for sub-sections (2) and (3) the following sub-
section shall be substituted, namely :—

"(2) A provost-marshal may punish with any
punishment mentioned in section 22, sub-section (1),
clause (b)

clause (b) any follower who is subject to this Act under section 2, sub-section (1), clause (c) and is a menial servant and who on active service and in his view, or in the view of any of his assistants, commits any breach of good order and military discipline."

Amendment
of section 41
of Act VIII
of 1911.

4. In section 41 of the said Act—

(1) in clause (a) after the word "punishment,"
and

(2) in clause (b) after the word "punishment,"
where it first occurs,

the words "other than whipping" shall be inserted.

Substitution
of new sec-
tion for sec-
tion 45 of Act
VIII of 1911

5. For section 45 of the said Act the following section shall be substituted, namely:—

Field punish-
ment

45. Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment, other than flogging as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb."

Amendment
of sections 46
and 49 of
Act VIII of
1911.

6. In sections 46 and 49 of the said Act, for the words "corporal punishment" the words "field punishment" shall be substituted.

Amendment
of section
50 of Act
VIII of 1911.

7. In section 50 of the said Act—

(1) to clause (a) the words "or of field punishment awarded by a court-martial or such officer" shall be added; and

(2) in clause (b) after the word "imprisonment" the word "or field punishment" shall be inserted.

Substitution
of new section
for section
67 of Act
VIII of 1911.

8. For section 67 of the said Act the following section shall be substituted, namely:—

Limitation
of trial.

"67. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enrolment)

of 1920.] *Indian Army (Amendment).*

ment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

Explanation.—For the purposes of this section, ‘mutiny’ means any of the offences specified in clauses (a), (b) and (c) of section 27.”

9. After clause (b) of sub-section (2) of section 113 of the said Act the following clause shall be inserted, namely :—

Amendment
of section 113
of Act VIII
of 1911.

“(bb) the specification of the punishments which may be awarded as field punishments under sections 20 and 45.”

10. Section 111 of the said Act is hereby repealed.

Repeal of
section 111
of Act VIII
of 1911.



of 1923.] *Indian Army (Amendment).*

of making his defence, is in custody or under detention, the prescribed officer may—

(a) if such person is in custody under sub-section (3), on the report of a medical officer that he is capable of making his defence, or

(b) if such person is detained under sub-section (4), on a certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898,

V of 1898.

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is a civil offence, by a Criminal Court.

(6) A copy of every order made by the prescribed officer under sub-section (5) shall forthwith be sent to the Governor General in Council."

IV of 1912

5. In the Indian Lunacy Act, 1912—

Amendment of sections 3, 24, 30 and 35, Act IV of 1912.

(a) to clause (4) of section 3 after the figures "1900" the words and figures "or of section 103A of the Indian Army Act, 1911" shall be added;

(b) in section 24, after the figures "1000" the words and figures "or under section 103A of the Indian Army Act, 1911" shall be inserted;

(c) in sub-section (1) of section 30, after the figures "1898" the words and figures "or under the provisions of section 103A of the Indian Army Act, 1911" shall be inserted; and

(d) in sub-section (2) of section 35, after the figures "1898" the words and figures "or under section 103A of the Indian Army Act, 1911" shall be inserted.

VIII of 1911

[Hackney-carriages.]

22. Property found in licensed hackney-carriages shall be deposited at the nearest police station by the proprietor or driver of such carriages. A list of such property shall be posted at the headquarters, city police station, and at such other places as the District Superintendent of Police may direct. Property

FORM OF CARRIAGE LICENSE.

- | | |
|--------------------------------|--|
| 1—Ajmere Municipality. | 6—Residence of proprietor or agent. |
| 2—Number and class of license. | 7—Description of vehicle. |
| 3—Date of issue of license. | 8—Licensed to carry passengers, if drawn |
| 4—Date of expiry of license. | by one horse, if drawn by two horses. |
| 5—Name of proprietor or agent. | 9—Remarks. |

FORM OF DRIVER'S LICENSE.

- | | |
|-----------------------------|------------------|
| 1—Ajmere Municipality. | 5—Father's Name. |
| 2—Number of license. | 6—Residence. |
| 3—Date of issue of license. | 7—Remarks. |
| 4—Name of Driver. | |

Hackney-carriages.]

[^a] No. 572-374, dated the 8th June, 1888.

In exercise of the powers conferred upon him by Sections 4 and 5 of Act XIV of 1879, (The Hackney-Carriages Act, 1879,) the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to make the following rules for the regulation and control of hackney carriages in the Military Cantonment of Nasirabad. The rules shall be published within the cantonment limits, in such manner as the Cantonment Committee may direct, for a period of not less than one month, at the expiration of which they shall have the force of law.

[Hackney-carriages

RULES.

1. No hackney carriage of any of the classes determined by these rules shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf by the Cantonment Committee.

2. Such license shall be issued from the Cantonment Magistrate's Office after the carriages have been approved of by the Cantonment Committee, or such person as they shall appoint, to determine the class to which the carriages shall belong.

3. There shall be 4 classes of hackney carriages, according to the quality of horses and vehicles, and licenses shall be granted to them subject to all provisions contained in these rules, and to the following conditions, viz:—

- (a) That the carriage is in good order and repair in all its parts.
- (b) That it is provided with two serviceable lamps, with the exception of carriages of the 4th class, which shall be required to carry one lamp only.
- (c) That the horse is not, or the horses are not, less than 12½ hands high for carriages driven with a pair, and 13 hands for carriages driven with a single horse, and not less than 3 years of age.
- (d) That the harness is complete and serviceable.

4. Licenses shall continue in force for the official year during which they are granted. But they shall be liable to revocation within that time by order of the Cantonment Committee, or some person appointed on their behalf, on proof before them or him that the proprietor or his agent has been guilty of an infringement of any of these rules, or that the conditions on which the license was granted are not fully maintained.

5. An application to renew the license shall be made one month before the expiry of the year of license, and the renewed license shall be granted in the same way and by the same officers, as provided in Rules 2 and 3, on payment of the same fee as for the original license.

6. When a licensed hackney carriage is transferred to a new proprietor during the time of license, the name of such proprietor shall be duly reported both by the transferor and transferee to the Cantonment Magistrate's Office, and shall be substituted in the license for the name of the transferor without further payment.

Hackney-carriages.]

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a) See *Gazette of India*, for 1888, Pt. II, page 274.

[Hackney-carriages.

15. The Cantonment Committee shall from time to time appoint places as stands for licensed carriages, which shall use these places and none other. The regulation of the order in which hackney carriages shall rank on the stand shall be under the control of the police.

16. The driver of a licensed carriage waiting on a public stand or plying for hire, shall at any time of day or night, be bound to give such carriage on hire to any person demanding the same, unless for a good or sufficient reason, the burden of proving which shall lie on the driver so refusing, but shall be entitled to claim his discharge after a continuous hire of a day of 9 hours.

17. The maximum number of persons which may be carried by each description of hackney carriage is as follows:—

1. *By a buggy.*—Two persons, excluding the syce.
2. *By a dogcart.*—Four persons, including syce and driver.
3. *By a waggonette, phaeton or paliki-garri.*—With one horse, five persons, including syce and driver. With two horses, seven persons, including syce and driver.
4. *By a tonga.*—Four persons, including syce and driver.

Two children under 10 years of age shall be reckoned as one adult.

18. Every licensed carriage shall have affixed in it a list of the fares prescribed in the following rule. Such rule shall be printed in English, Urdu and Hindi. One copy shall be provided yearly at the time of licensing by the Cantonment Committee, but the renewal of a list which has become lost, destroyed or defaced, shall rest with the proprietor, who shall renew it at once.

19. In the absence of any private agreement between the proprietor, agent or driver of a licensed carriage and the hirer, the following rates shall be paid:—

Description of carriage.	1 hour.	2 hours.	3 hours.	Half day of 5 hours.	Whole day of 9 hours.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1st class	1 0 0	1 12 0	3 0 0	3 8 0	5 0 0
2nd class	0 12 0	1 4 0	1 8 0	2 0 0	3 0 0
3rd class	0 6 0	0 12 0	1 4 0	1 8 0	2 8 0
4th class	0 4 0	0 8 0			1 0 0

Hackney-carriages.]

7. Each license shall bear a serial number, and this number shall be printed in English, Hindi and Urdu, in a conspicuous place on the licensed hackney carriage.

8. All hackney carriage licenses and carriages shall be produced for inspection whenever ordered by the Cantonment Committee or such person as they may empower to do so on their behalf.

9. No person shall be allowed to act as the driver of a licensed vehicle except under a driver's license, granted to him on that behalf by the officers mentioned in Rule 2. A driver's license is not transferable, and shall be granted for the official year. A driver's license should not be granted to any person under 18 years of age.

10. Every driver, so licensed, shall wear, while driving a licensed carriage or plying for hire, a badge on his arm, bearing the number of his license.

11. The licenses for hackney carriages and drivers shall be in the form attached to these rules, and shall be printed on strong paper. The fee for each carriage license of the 1st, 2nd or 3rd class shall be Re. 1, and for each driver's license or badge Re. 0-8-0. The fee for carriages of the 4th class shall be Re. 0-8-0 only, and drivers of such carriages shall not be required to take out a license.

12. Any proprietor or agent of the proprietor, or driver of any licensed vehicle, who knowingly permits it to be drawn by a less number of horses than is provided in the license, or knowingly permits more passengers to be carried in such carriage than is permitted by these rules, or who shall do any act in contravention of Rules 1, 7, 8, 9, 10, 13, 15, 16, 18, 22, 23 and 25, shall in addition to the forfeiture of his license, be liable to a fine which may extend to Rs. 50.

13. Any driver who cruelly beats, ill treats, overdrives or otherwise misuses any horse driven in a licensed vehicle, shall be liable to forfeiture of his license to drive, in addition to any other punishment to which he may be liable under any law in force for the time being.

14. It shall be lawful for any person named in Rule 2 to enter premises on which licensed vehicles, horses, harness, &c., are kept, in order to carry out the provisions of these rules, and it shall be lawful for any Police officer to apprehend without warrant, any person committing any of the offences described in Rule 12.

[Hackney-carriages]

15. The Cantonment Committee shall from time to time appoint places as stands for licensed carriages, which shall use these places and none other. The regulation of the order in which hackney carriages shall rank on the stand shall be under the control of the police.

16. The driver of a licensed carriage waiting on a public stand or plying for hire, shall at any time of day or night, be bound to give such carriage on hire to any person demanding the same, unless for a good or sufficient reason, the burden of proving which shall lie on the driver so refusing, but shall be entitled to claim his discharge after a continuous hire of a day of 9 hours.

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1. *By a buggy.*—Two persons, excluding th

Hackney-carriages.]

A drive from any part of the cantonment to the railway station or *vice versa*, to be charged for as an hour's drive. The fare for drives beyond cantonment limits shall be settled between the proprietor of the licensed vehicle or his agent and the hirer. Cantonment limits shall, for the purpose of these rules, mean a distance of 6 miles from the Post Office.

20. The minimum speed at which a carriage hired by time shall be driven is 6 miles per hour.

21. Every licensed vehicle shall, while plying for hire between sunset and sunrise on dark nights, have the lamps burning.

22. Property found in licensed vehicles shall be deposited at the nearest Police Station by the proprietor or his agent or driver of such carriages. A list of such property shall be posted at headquarters cantonment Police Station, and at such other places as the District Superintendent of Police may direct.

23. Ekkas will be required to take out licenses, and shall be classed as 4th class. They shall not carry more than four adult persons, inclusive of the driver.

24. In the case of any dispute arising between the proprietor or driver of a hackney-carriage and the hirer, the person may apply to the officer in charge of the Police Station for a settlement of the dispute, and such officer shall be competent to dispose of the case, having due regard to the rules. The parties may, however, appeal to the Cantonment Magistrate, should they feel aggrieved by the decision arrived at by the officer in charge of the Police Station, and the Magistrate's decision in the matter shall be final.

25. No carriage shall be let for hire to any soldier, except upon the production of a pass signed by a commissioned officer, entitling such soldier to the use of a conveyance.

Form of carriage license.

1. Nussoreabad Cantonment.
2. Number and Class of license.
3. Date of issue of License.
4. Date of expiry of license.
5. Name of proprietor or agent,

[Hackney-carriages.

6. Residence of proprietor or agent.
 7. Description of vehicle.
 8. Licensed to carry passengers, if drawn by one horse.
 Do. do. if drawn by two horses.
 9. Remarks.
-

Form of driver's license.

1. Nussereabad Cantonment.
2. No. of license.
3. Date of issue of license.
4. Name of driver.
5. Father's name.
6. Residence.
7. Remarks.

AN ACT FOR IMPOSING A TAX ON INCOME DERIVED
FROM SOURCES OTHER THAN AGRICULTURE.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Extent and commencement.
2. Repeal.
3. Definitions.

CHAPTER II.

LIABILITY TO TAX.

4. Incomes liable to the tax.
5. Exceptions
6. Power to make exemptions.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

7. Mode of payment in case of Government officials and pensioners.
8. Mode of payment in case of servants and pensioners of local authorities.
9. Mode of payment in case of servants and pensioners of companies and private employers.
10. Annual return by principal officer of company or association.

B.—Profits of Companies.

11. Annual statement of nett profits.
12. Power to require officers of companies to produce accounts.

C.—Interest on Securities.

13. Mode of payment of tax on interest on securities.

AN ACT FOR IMPOSING A TAX ON INCOME DERIVED FROM SOURCES OTHER THAN AGRICULTURE.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Extent and commencement.
2. Repeal.
3. Definitions.

CHAPTER II.

LIABILITY TO TAX.

4. Incomes liable to the tax.
5. Exceptions.
6. Power to make exemptions.

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ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

7. Mode of payment in case of Government officials and pensioners.
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10. Annual return by principal officer of company or association.

B.—Profits of Companies.

11. Annual statement of nett profits.
12. Power to require officers of companies to produce accounts.

C.—Interest on Securities.

13. Mode of payment of tax on interest on securities.

D.—Other Sources of Income.*Ordinary Mode of Assessment and Collection.***SECTIONS.**

11. Collector to determine persons chargeable.
15. Mode of making assessment.
16. List of incomes under two thousand rupees.
17. Notices to persons with incomes of two thousand rupees and upwards.
18. Power to modify ordinary procedure in special cases.
19. Time and place of payment.

Trustees, Agents, Managers and Incapacitated Persons.

20. Trustees, guardians and committees of incapacitated persons to be charged.
21. Non-residents to be charged in names of their agents.
22. Receivers, Managers, Courts of Wards, Administrators General and Official Trustees.
23. Power to retain duties charged on trustees, &c.

Occupying Owners.

24. Provision for tax on occupying owners.

CHAPTER IV.*REVISION OF ASSESSMENT*

25. Petition to Collector against assessment under Part IV.
26. Hearing of petition.
27. Petition to Commissioner for revision.
28. Power to summon witnesses, &c.

CHAPTER V.*RECOVERY OF ARREARS OF TAX.*

29. Tax when payable.
30. Mode and time of recovery.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

SECTIONS.

31. Agreements for composition.

Receipts.

32. Receipts and their contents.

Amendment of Assessment.

33. Amendment of assessment.

Penalties.

34. Failure to make payments or deliver returns, or statements.
 35. False statement in declaration.
 36. Prosecution to be at instance of Collector.
 37. Sections 193 and 228 of Penal Code to apply to proceedings.

Power to make Rules.

39. Power to make rules.

Miscellaneous.

39. Bar of suits in Civil Court.
 40. Exercise of powers of Collector and Commissioner.
 41. Obligation to furnish information respecting lodgers and employes.
 42. Trustees and agents to furnish information as to be beneficiaries and principals.
 43. Trustees, &c., to furnish information as to income.
 44. Obligation to furnish other information.
 45. Sections 176 and 177 of Penal Code to apply to requisitions for information.
 46. Service of notices.
 47. Power to declare principal place of business or residence.
 48. Saving in favour of payers of pāndhari and capitation taxes.
 49. Indemnity.
 50. Powers exercisable from time to time.

THE FIRST SCHEDULE.—ENACTMENTS REPEALED.

THE SECOND SCHEDULE.—SOURCES OF INCOME AND RATES OF TAX.

THE THIRD SCHEDULE.—FORM OF PETITION.

ACT No. II of 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th January 1886.)

An Act for imposing a tax on income derived from sources other than agriculture.

Whereas it is expedient to impose a tax on income derived from sources other than agriculture ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf ; and Extent a
commen-
ment.

(2) It shall come into force on the first day of April 1886.

(3) [Repealed by Act XII of 1891, Schedule I.]

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same. Repeal.

3. In this Act, unless there is something repugnant in the subject or context,— Definition

(1) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund :

(2) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not :

(3) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act :

Income Tax.]

(4) "salary" includes allowances, fees, commissions, perquisites or profits received, in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(5) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(6) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(7) "person" includes a firm and a Hindu undivided family:

(8) "defaulter" includes a company or firm making default under this Act:

(9) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act, in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate, and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(10) "principal officer," used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(a) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(b) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(11) "Part" means a Part of the second schedule to this Act.

CHAPTER II.

LIABILITY TO TAX.

4. Subject to the exceptions mentioned in the next following section, ^{Incomes} there shall be paid, in the year beginning with the first day of April, 1886, ^{liable to} and in each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

5. (1) Nothing in section 4 shall render liable to the tax— ^{Exception}

(a) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such; or

(b) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce; or

(c) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (a), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (b) is carried on:

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling house, or as a store-house, factory, or other out-building; or

(d) any profits of a shipping company incorporated or established in British India and having its principal place of business in British India, the ships ordinarily engaged in seagoing traffic out of India.

Income Tax.]

(e) any income derived from property solely employed for religious or public charitable purposes; or

(f) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax; or

(g) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(h) any interest on stock-notes; or

(i) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(j) any person whose income from all sources is less than five hundred rupees per annum.

(2) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

ASSESSMENT AND COLLECTION.

A.—Salaries and Pensions.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I. in respect thereof

[Income Tax.]

8. (1) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

Mode of payment in case of servants and pensioners of local authorities.

(2) If that officer does not deduct and pay the tax as required by sub-section (1), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(3) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(4) The power to deduct under this section shall be without prejudice to any other mode of recovery.

9. (1) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

Mode of payment in case of servants and pensioners of companies and private employers.

(2) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

10 The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

Annual return by principal officer of company or association.

(a) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on

Income Tax.]

(3) The list shall be filed in the office of the Collector, with a notice prefixed thereto requiring every person mentioned in the list to deliver, within sixty days from a date specified in the notification, the amount in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(4) The list so filed shall be open to inspection at all reasonable times without any payment.

(5) The list, or such part or parts thereof as the Collector thinks fit, with the notifications prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(6) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (a) to (e), both inclusive, mentioned in section 16, sub-section (2) requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein, as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (1) Notwithstanding anything contained in section 16 or in section 17, the Local Government may make rules—

(a) authorising or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person liable to be served with a notice under section 17 instead of, or in addition to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in such list under section 16 instead of or in addition to including him in such a list;

(b) authorising the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the

[Income Tax.]

ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

- (c) authorising the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form accompanying the notice, of his income computed in the manner described in clause (b) of this sub-section.

(2) A return delivered under rules made under clause (b) or clause (c) of sub-section (1) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated and that the person making the return has no other source of income.

(3) When a Collector authorised in that behalf by rules made under clause (b) or clause (c) of sub-section (1) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(4) Rules made under this section shall be published in the official

Income Tax.]

is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Non-residents to be charged in names of their agents.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c.

23. When a trustee, guardian, curator, committee, or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General, or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provision for tax on occupying owners

24. (1) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(2) "Owner," as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

CHAPTER IV.

REVISION OF ASSESSMENT.

25. (1) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed under Part IV, may apply by petition to the Collector to have the assessment reduced or cancelled.

Petition to Collector against assessment under Part IV.

(2) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(3) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Hearing of petition.

27. Subject to the control of the Local Government, the Commissioner of the Division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (2), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion, if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure:

Power to summon witnesses, &c.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

Income Tax.]

(e) the place or places, district or districts, where the income accrues; and

(f) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

Amendment
of assess-
ment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assessment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to
make pay-
ments or
deliver
returns or
statements.

34. (1) If a person fails—

(a) to deduct and pay any tax as required by section 8, sub-section (1), or section 18, sub-section (1), or

(b) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(c) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(2) The Commissioner of the Division may remit wholly or in part any fine imposed under this section.

False state-
ment in
declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (2), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code. XL

Prosecution
to be at
instance of
Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

[Income Tax.]

37. Any proceeding under section 12 or Chapter IV of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code.

Sections 193 and 228 of Penal Code to apply to proceedings.

Power to make Rules.

38. (1) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and, generally, for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

Power to make rules.

(2) In making a rule for preventing the disclosure of any particulars referred to in sub-section (1), the Governor General in Council may direct that a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

(3) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(4) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Bar of suits in Civil Court.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of Division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Exercise of powers of Collector and Commissioner.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

Obligation to furnish information respecting lodgers and employees.

(a) the name of every inmate or lodger resident in any house used by him as a dwelling-house or let by him in lodgings;

(b) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(c) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has

Income Tax.]

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878 ..	The Northern India License Act, 1878	So much as has not been repealed.
Act No. VI of 1880	The Indian License Acts Amendment Act 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 ..	The Madras License Act, 1878 ..	So much as has not been repealed.
Act No. III of 1880	An Act to amend Madras Act III of 1878, as amended by Act VI of 1880.	The whole.

ACT OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878	The Bombay License Act, 1878...	So much as has not been repealed.

ACT OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1880 ..	The Bengal License Act, 1880 ..	The whole.

THE SECOND SCHEDULE.

SOURCES OF INCOME AND RATES OF TAX.

(See section 4.)

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.

PART I.

SALARIES AND PENSIONS.

1 Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person.

2 Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor-General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.

(a) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee.
(b) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem,—four pies in the rupee.

PART II.

PROFITS OF COMPANIES.

Profits of a company ... Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending of the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.

Income Tax.]

THE SECOND SCHEDULE—*continued*.

FIRST COLUMN.	SECOND COLUMN.
Source of Income.	Rate of Tax.

PART III.

INTEREST ON SECURITIES.

Interest becoming due on or after the first day of April, 1886, and payable in British India, on—

(a) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of the

India, or

(c) debentures or other securities for money issued by or on behalf of a local authority or company.

PART IV.

OTHER SOURCES OF INCOME.

Any source of income not included in Part III of this

shall be Rs. 10
" 15
" 20
" 25
" 30
" 40

(d) If the annual income is assessed at Rs. 2,000 or upwards—five pice in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(See section 25.)

TO THE COLLECTOR OF

The day of 188 .

The petition of A. B. of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of
rupees for the year commencing the first day of April, 188 .

2.—Your petitioner's income and profits accruing and arising from
[here specify petitioner's trade or other source or sources of income or profits,
and the place or places at which such income or profits accrues or arise] for the
year ending the day of last were
rupees [as will appear from
the documents of which a list is presented herewith.*]

3.—Such income and profits actually accrued and arose during a
period of months and days
[here state the exact number of months and days in which the income and
profits accrued and arose].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly
[or that he may be declared not to be chargeable under the said Act].

(Signed) A. B.

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that
what is stated therein is true to the best of my information and belief.

(Signed) A. B.

* These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.



The 6th June, 1890.

Notification No. 2762.—In exercise of the powers conferred by sections 6 and 33 of Act II. of 1886, the Governor-General in Council is pleased, in supersession of the Notifications in the Department of Finance and Commerce,—

No.	579,	dated	the	3rd May, 1886,
"	2003	"	"	16th July, 1886,
"	2633	"	"	19th August, 1886,
"	2929	"	"	3rd September, 1886,
"	3920	"	"	20th October, 1886,
"	4330	"	"	25th November, 1886,
"	4010	"	"	26th July, 1887,
"	6311	"	"	30th December, 1887,
"	676	"	"	8th February, 1888,
"	1650	"	"	27th March, 1888,
"	1703	"	"	30th March, 1888,
"	806	"	"	14th February, 1889,
"	3065	"	"	20th June, 1889,

(A) to exempt from liability to the tax payable, and to assessment, under the said Act—

(1) the income of persons (other than persons in the service of the Government) residing in—

(a) the scheduled districts of the Presidency of Madras ;

(b) the Hill Tracts of Chittagong ;

(c) the Mewas States under the Khandesh Political Agency ;

(d) the Khondmals and the Mehal of Angul in Orissa ;

(2) the income of Universities or other associations or bodies existing solely for educational purposes, and of local authorities as defined in section 3 of the Act, provided that the exemption shall not extend to interest payable on a Government security in respect of any period (the period running to date of payment of interest from last date of payment thereof) during which a transfer of the security has been effected ;

No. 2763.—In exercise of the powers conferred upon him by Act II of 1886, and of all other powers enabling him in this behalf and in supersession of the Notifications in the Department of Finance and Commerce,—

No.	593,	dated the 5th February, 1886,
„	674,	„ „ 7th May, 1886,
„	2635,	„ „ 19th August, 1886,
„	3438,	„ „ 30th September, 1886,
„	2303,	„ „ 5th May, 1887,
„	4678,	„ „ 31st August, 1887,

the Governor-General in Council is pleased to make the following rules under the said Act:—

1. The time within which amounts deducted from salary, annuity, pension, or gratuity paid by a Local Authority under section 8, sub-section (1), of the Act must be paid to the credit of the Government of India is fixed at one week from the date of payment of the salary, pension, annuity or gratuity. The payment to the credit of the Government shall be made by remitting the amount to the Collector with a statement giving the following particulars for each person from whom the tax has been realized:

- (1) Name.
- (2) Period for which the salary, pension, or annuity has been paid.
- (3) Amount of salary, pension, annuity, or gratuity paid.
- (4) Amount of tax.

2. The return required by section 10 of the Act shall be in Form A hereto appended.

The name of any person who is receiving, at the date of the return prescribed by section 10 of the Act, a salary, pension, or annuity which does not amount to Rs. 300 per annum, or has received during the year ending on that date a gratuity which does not amount to that sum, need not be shown in the return.

3. Any sums, such as payments to regimental mess or band funds or the like, compulsorily stopped from salary by the orders, or with the approval, of the Government, shall be deducted from the salary previous to assessment.

A portion of salary withheld in pursuance of an order of a Court is not a sum compulsorily stopped from salary within the meaning of this rule.

4. When a deduction is made from the amount of salary, pension, or annuity liable to assessment on account of a payment made to a Life Insurance Company, the sum deducted shall, if the premium is payable in sterling, be the actual cost of remittance as stated by the assessee; or, if the

assessee is unable to state such actual cost, the equivalent in rupees of the sterling payment calculated at the official rate of exchange for the year in which the deduction is made.

5. A deduction¹ such as is mentioned in the preceding rule must be supported either—

- (1) by the original receipt of the Insurance Company; or
- (2) (in the case of a deduction claimed by a servant of the Government or of a Local Authority) by a copy of the same presented together with the original, to the officer who pays the salary, pension, or annuity, and attested by that officer, who should after such attestation, return the original; or
- (3) by a duplicate receipt given by the Insurance Company; or
- (4) by a certificate of payment given by the Insurance Company.

In cases (1), (3), and (4), the receipt or certificate should be returned as soon as the fact of payment is admitted in the due course of audit.

Where the Collector is satisfied that none of the above prescribed documents can be produced without an amount of delay, expense, or inconvenience which, under the circumstances of the case, would be unreasonable, he may accept such other proof of payment of the premium as he may deem sufficient.

6. The amounts exempted from the tax by section 5, sub-section (1), clause (g), of the Act, and referred to in rule 4 of these rules, shall not be deducted from income for the purpose of determining whether the income is liable to the tax, or of determining under Part I of the second Schedule of the Act the rate at which the tax shall be levied.

7. The amount to be assessed under section 24, sub-section (1), of the Act on account of a building occupied by the owner thereof shall not in any case exceed 10 per cent. of the aggregate income of the owner derived from all sources. It must not, however, be understood from this that a maximum of 10 per cent. of the aggregate income of the owner is to be assumed in every case as equivalent to the letting-value of his house. The letting-value should in all cases be ascertained on the best data available in view of the circumstances of the locality in which the house is situated.

8. After the close of the year of assessment, each Accountant-General or other auditing officer shall submit Return No. I, in the form hereto appended, to such officer as the Local Government may direct.

9. The certificates referred to in the second column of Part III of the second Schedule of the Act shall be in Form B or in Form C hereto appended.

10. Any claim under section 5, sub-section (1), clause (e), of the Act to exemption from the levy of the tax on the interest of securities employed solely for religious or public charitable purposes within the meaning of that clause must be supported by a certificate from the Collector, which shall be in Form D hereto appended.

11. In the case of securities the interest on which is payable by the Government of India, the amount deducted on account of the tax under section 13, sub-section (1), of the Act shall be paid to the credit of the Government on the same day as the payment of the interest is made.

12. In the case of securities the interest on which is not payable by the Government of India, the amount so deducted shall be paid to the credit of the Government within one week from the date on which interest is paid. The person deducting the amount should pay it to the credit of the Government by remitting the amount to the Collector, with a statement showing the following particulars:—

- (1) Name of owner.
- (2) Description of security.
- (3) Number of security.
- (4) Date of security.
- (5) Amount of security.
- (6) Period for which interest is drawn.
- (7) Amount of interest.
- (8) Amount of tax.

13. After the close of the year of assessment, each Accountant-General and Comptroller shall submit Return No. 11, in the form hereto appended, to such officer as the Local Government may direct.

14. In calculating the amount of tax payable, the amount due on a fraction of a rupee shall be neglected. Thus the tax to be realised on a monthly salary of Rs. 166-10-8 is Rs. 4-5-2 only.

15. All public servants are forbidden to make public or disclose, except for the purpose of the working of the Act, any information contained in documents delivered or produced with respect to assessments under Part IV of the second Schedule of the Act, and any public servant committing a breach of this rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

All public servants are further enjoined to be most careful to regulate their proceedings as far as practicable in such manner as to prevent information which should be kept secret from becoming known. It should be noted that information of this nature is to be withheld by officers administering the Act from persons in the employment of assesses.

16. Power to make further rules is hereby delegated to the several Local Governments, and no rules already made by Local Governments, under authority given by the Governor-General in Council, shall be deemed to be cancelled by the supersession of any of the notifications quoted in the present Notification.

17. Each Local Government will prescribe forms of registers to be maintained by Collectors and others for the purpose of showing the demand and collections of the tax, the various classes of incomes assessed, and the working of the several provisions of the Act.

18. After the close of the year of assessment, each Local Government will submit to the Government of India in the Finance and Commerce Department a report on the working of the Act.

19. The following returns in the forms hereto appended will be submitted with that report:—

Return	I	{ as received from the Accountant-General or Comptroller, or other auditing officer.
„	II	
„	III	
„	IV	
„	V	
and	„	VI

FORM A.

(RULE 2.)

Return made by the Principal Officer of every Local Authority, Company, Public Body, or Association under Section 10 of Act II of 1886.

DESIGNATION OF { Local Authority,
Company,
Public Body, or
Association.

Name of employ ^{ee} , pensioner, annui- tant, or recei- ver of gra- tuity.	Address.	SALARIES.			PENSIONS OR ANNUITIES.		GRATUITIES.	
		Employment.	Rate of salary.	Dates on which payable.	Rate of pension or annuity.	Dates on which payable.	Amount	Dates on which paid.

FORM B.

(RULE 3.)

I, _____, Collector of _____, do hereby certify that the income of [name] owner of the security securities specified below, including the interest on that security those securities, but excluding income from agriculture, is less than Rs. 500 a year.

Dated _____

Collector of _____

Description of Security.	Number.	Date.	Amount.

FORM C.

(RULE 9.)

I , Collector of , do hereby certify that the income of [name] owner of the ^{security} ~~securities~~ specified below, including the interest on ^{that security} ~~those securities~~, but excluding income from agriculture, is less than Rs. 2,000 a year.

Dated

Collector of

Description of Security.	Number.	Date.	Amount.

FORM D.

(RULE 10.)

I , Collector of , do hereby certify that the interest on the ^{security} ~~securities~~ specified below, standing in the name of , is employed solely for ^{religious} ~~public charitable~~ purposes.

Dated

Collector of

Description of Security.	Number.	Date.	Amount.

RETURN No. I.

(RULES 8 AND 19.)

Statement showing the Collections of the Tax under Act II of 1886 from Salaries, Pensions, Annuities, and Gratuities paid by the Government in the year 189 .

[illegible]

RETURN No. II.

(RULES 13 AND 19.)

Statement showing the Collections of the Tax under Act II of 1886 from interest on securities in the year 189 .

CLASS.	DATE OF TAX.	SECURITIES OF THE GOVERNMENT OF INDIA.		BONDS OR DEBITURES CHARGED BY PARLIAMENT ON THE REVENUES OF INDIA.		SECURITIES OF LOCAL AUTHORITY OR COMPANY.		TOTAL.		REMARKS.
		Amount of securities.	Amount of tax.	Amount of securities.	Amount of tax.	Amount of securities.	Amount of tax.	Amount of securities.	Amount of tax.	
1	2	3	4	5	6	7	8	9	10	
I to VI ...	At 4 pice in the Rupee									
VII to XV.	At 5 pice in the Rupee									
Total ..										

RETURN No. III.

(RULE 19.)

Statement showing the Collections of the Tax under Act II of 1886 in the year 189 .

[illegible]

RETURN No. IV.

(RULE 18.)

Statement showing the Original and Final Demands and Uncollected Balances of sums due under Act II of 1886 in the year 189 .

Part of the Act under which the income is assessed.	Original Demands.		Revision by Collectors		Decision by Commissioner		Final Demand.		Payable by collector		Paid by Magistrate		Total of columns 9, 11, 13 and 14		Collections.						Balance.	REMARKS.
	Number of sums.	Amount of tax.	Number of petitions or objections.	Demand after discharge.	Number of petitions or objections.	Demand after discharge.	Number of sums.	Amount of tax.	Number.	Amount.	Number.	Amount.	Amount	of total for year	Tax.	Penalties.	Fines.	Arrears.	Total.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Chapter III A. & Part I, Schedule II.																						
Chapter III B. & Part II, Schedule II.																						
Chapter III C. & Part III, Schedule II.																						
Chapter III D. & Part IV, Schedule II.																						
TOTAL ...																						

RETURN
(RULE

Classified Statement of the Incomes on which the Tax was

Sources of Income.				I. Rs 500-750.		II. Rs 750-1,000.		III. Rs 1,000-1,250.	
				No.	Amount	No.	Amount.	No.	Amount
					Rs.		Rs.		Rs.
PART I—(Salaries).	(a) Paid by Govt.	Salaries ..	...	...	...	...
		Pensions, &c	...	...	...	...
		Gratuities	...	...	...	...
	TOTAL (a)			...					
	(b) By Local Authorities.	Salaries ..	...	...	...	...
		Pensions, &c	...	...	...	...
		Gratuities	...	...	...	...
	TOTAL (b)			...					
	(c) By Companies, &c.	Managers, &c	...	...	...	...
		Inspectors	...	...	...	...
Clerks		...	...	...	...
Shopmen		...	...	...	...
Others		...	...	...	...
TOTAL (c)			...						
GRAND TOTAL				...					
PART II—(Companies).	Banking ..	...	...	...	...
	Building ..	...	...	...	...
	Cotton Spinning, &c.	...	...	...	...
	Gas ..	...	...	...	...
	Hotel ..	...	...	...	...
	Ice ..	...	...	...	...
	Insurance, Fire	...	...	...	...
	Ditto Life ..	...	...	...	...
	Ditto Marine	...	...	...	...
	Land ..	...	...	...	...
	Press ..	...	...	...	...
	Railway ..	...	...	...	...
	Shipping, &c	...	...	...	...
	Telegraph and Telephone	...	...	...	...
	Trading ..	...	...	...	...
	Tramway ..	...	...	...	...
	Miscellaneous ..	...	...	...	...
TOTAL II.				...					
TOTAL III				...					
PART IV—(Other Sources).	(a) Professions.	1. Religion ..	...	...	...	...
		2. Education ..	...	...	...	...
		3. Fine Arts ..	...	...	...	...
		4. Barristers, &c.	...	...	...	...
		5. Other Legal Practitioners	...	...	...	...
		6. Medicine ..	...	...	...	...
		7. Engineering	...	...	...	...
		8. Other Professions ..	...	...	...	...
	TOTAL (a)			...					
	(b) Commerce.	Agents	...	...	...	...
		Brokers	...	...	...	...
		Exporters	...	...	...	...
		Bankers	...	...	...	...
		Money lending and changing	...	...	...	...
		General Merchants	...	...	...	...
		Piece goods do	...	...	...	...
		Grain do.	...	...	...	...
		Wool do.	...	...	...	...
		Other do	...	...	...	...
TOTAL (b)			...						

RETURN

(RULE

Classified Statement of the Incomes on which the Tax was

Sources of Income.		IX. Rs. 5,000—10,000.		X. Rs. 10,000—20,000.		XI. Rs. 20,000—30,000.	
		No.	Amount	No.	Amount	No.	Amount
Part I.—(Salaries).			Rs.		Rs.		Rs.
(a) Paid by Govt.	Salaries						
	Pensions, &c.						
	Gratuities						
	TOTAL (a)						
(b) By Local Authorities.	Salaries						
	Pensions, &c.						
	Gratuities						
	TOTAL (b)						
(c) By Companies, &c.	Managers, &c.						
	Inspectors						
	Clerks						
	Shopmen						
	Others						
	TOTAL (c)						
GRAND TOTAL							
Part II.—(Companies)							
From Return II.	Banking						
	Building						
	Cotton Spinning, &c.						
	Gas						
	Hotel						
	Ice						
	Insurance Fire						
	Ditto Life						
	Ditto Marine						
	Land						
	Press						
	Railway						
	Shipping, &c.						
	Telegraph and Telephone						
	Trading						
	Tramway						
	Miscellaneous						
	TOTAL II						
Part III.—(Securities)							
From Return II.	Securities of Government of India						
	Securities secured by Parliament on the revenues of India						
	Securities of Local Bodies						
	Securities collected in District						
	TOTAL III						
Part IV.—(Other Sources).							
(a) Professions.	1. Religion						
	2. Education						
	3. Fine Arts						
	4. Barristers, &c.						
	5. Other Legal Practitioners						
	6. Medicine						
	7. Engineering						
	8. Other Professions						
	TOTAL (a)						
(b) Commerce.	Agents						
	Brokers						
	Contractors						
	Bankers						
	Money lending and changing						
	General Merchants						
	Trade goods do.						
	Grain do.						
	Salt do.						
	Other do.						
	TOTAL (b)						

RETURN

(RULE

Classified Statement of the Incomes on which the Tax was

Sources of Income.		I. Rs. 500—750.		II. Rs. 750—1,000		III. Rs. 1,000—1,250.	
		No.	Amount	No.	Amount	No.	Amount.
			Rs.		Rs.		Rs.
PART IV.—(Other Sources).—contd.	(c) Transport, &c.	Cart and carriage builders					
		Cart and carriage owners					
		Livery stable keepers					
		Ship and boat owners					
		Hotel and inn keepers					
		TOTAL (c)					
	(d) Trade.	Dealers in animals					
		Do agricultural produce					
		Do animal and vegetable substances (not food)					
		Do food					
		Do books and stationery					
		Do building materials					
		Do fuel					
		Do furniture					
		Do metals, &c.					
		Do precious stones, &c.					
		Do salt					
		Do spirits, &c.					
		Do opium					
		Do dress &c.					
		Do other articles					
		TOTAL (d)					
	(e) Manufacture.	Cotton goods					
		Dyers					
		Artisans					
		Inlaid					
		Metals, &c.					
		Silk					
		Spirits, &c.					
		Sugar					
	(f) Proprietors.	Woolen goods					
		Others					
		TOTAL (e)					
	(f) Proprietors.	House proprietors					
		Newspaper proprietors					
		Printing Press proprietors					
		Taxable estate-holders					
		TOTAL (f)					
ABSTRACT.							
I.—SALARIES.							
Paid by Government							
Others							
II.—COMPANIES.							
III.—SECURITIES.							
Head Office							
Other Territories							
IV.—OTHER SOURCES.							
TOTAL, excluding Returns I and II.							
GRAND TOTAL							

19.)

collected for the year 189 . in _____

[illegible]

Classified Statement of the Incomes on which the Tax was

Sources of Income.		IX. Rs. 5,000—10,000.		X. Rs. 10,000—20,000		XI. Rs. 20,000—30,000.	
		No.	Amount.	No.	Amount.	No.	Amount.
			Rs.		Rs.		Rs.
PART IV.—(Other Sources)—contd.	(c) Transport, &c.						
	Cart and carriage builders	..	..		
	Cart and carriage owners	..	..		
	Livery stable keepers	..	..		
	Ship and boat owners	..	..		
	Hotel and inn-keepers	..	..		
	TOTAL (c)	..					
	(d) Trade						
	Dealers in animals	..	..		
	Do. agricultural produce	..	..		
	Do. animal and vegetable substances (not food)	..	..		
	Do. food	..	..		
	Do. books and stationery	..	..		
	Do. building materials	..	..		
	Do. fuel	..	..		
	Do. furniture	..	..		
	Do. metals, &c.	..	..		
	Do. precious stones, &c.	..	..		
	Do. salt	..	..		
	Do. spirits, &c.	..	..		
	Do. opium	..	..		
	Do. dress, &c.	..	..		
	Do. other articles	..	..		
	TOTAL (d)	..					
	(e) Manufacture.						
	Cotton goods	..	..		
	Builders	..	..		
	Artisans	..	..		
	Indigo	..	..		
	Metals, &c.	..	..		
	Silk	..	..		
	Spirits, &c.	..	..		
	Sugar	..	..		
	Woolen goods	..	..		
	Others	..	..		
	TOTAL (e)	..					
	(f) Property						
	House proprietors	..	..		
	Newspaper proprietors	..	..		
	Printing Press proprietors	..	..		
	Taxable estate holders	..	..		
	TOTAL (f)	..					
	ABSTRACT.						
	I.—BALANCE.						
	Paid by Government	..	..		
	Others	..	..		
	II.—COMPANIES.						
	III.—SECURITIES						
	Head Office	..	..		
	Other Treasuries	..	..		
	IV.—OTHER SOURCES.						
	TOTAL, excluding Returns I and II						
	GRAND TOTAL	..					

19.)

collected for the year 189 , in.

[illegible]

Income Tax.]

RETURN No. VI.

(RULE 19.)

*Statement of Expenditure incurred in the Assessment and Collection of the
Tax under Act II of 1886, in the year 189 .*

HEAD.	Amount.	REMARKS.
1	2	3
Establishment		
Travelling Allowance		
Contingencies		
TOTAL ...		

(¹) No. 224-687, dated Abu, the 12th March 1886.

Under Section 40, Act II of 1886, the Chief Commissioner is pleased to appoint the Assistant Commissioner, Ajmere, to exercise and perform all the powers and duties conferred and imposed by the said Act on a Collector within and for the Ajmere-Merwara District.

(²) No. 282-687, dated the 23rd March 1886.

In exercise of the powers conferred by Section 40, Act II of 1886, the Chief Commissioner is pleased, with effect from 1st April 1886, to empower the Assistant Commissioner, Merwara, the Deputy Magistrate, Kekri, to exercise and perform, in the Ajmere-Merwara District, all the powers and duties conferred or imposed on a Collector by Sections 41, 42, 43, and 44 of the Act and by the rules made under the Act.

(³) No. 4135-I., dated the 16th September 1887.

In exercise of the powers conferred by Section 41 of Act II of 1886 (the Income-Tax Act, 1886), the Governor-General in Council is pleased to invest each of the Political Officers named below with the powers of a Collector under the said Act for the purpose of granting certificates in respect of interest on Government Securities in Forms *B C* and *D*, prescribed in Rule 9 of the notification issued by the Government of India, in the Department of Finance and Commerce, No. 593, dated the 5th February, 1886, (⁴) when such securities are held by persons residing outside of British India :—

- (1) The Resident in Nepal.
- (2) The Resident in Kashmir.
- (3) The Political Resident in Turkish Arabia.
- (4) The First Assistant to the Resident at Hyderabad.
- (5) The Assistant to the Resident in Mysore.
- (6) The First Assistant to the Agent to the Governor-General in Central India.
- (7) The Resident at Gwalior.
- (8) The Political Agent in Bhopal.
- (9) The Political Agent in Baghelkhand and Superintendent of the Rewah State.

¹ Gazette of India, Part II., dated the 20th March 1886, page 149.

² Do. do. 27th March 1886, page 107.

³ See Gazette of India, 1887, Part I., page 473.

⁴ See now Notification No. 2763, dated the 6th June 1891, printed p. 362, *supra*.

Income Tax.]

- (10) The Political Agent in Budelkband.
- (11) The Political Agent in Bhopawar.
- (12) The First Assistant to the Agent to the Governor-General in Rajputana.
- (¹) (13) The Resident in Jaipur.
- (14) The Resident in the Western States of Rajputana.
- (15) The Resident in Meywar.
- (16) The Political Agent in Alwar.
- (17) The Political Agent in Kotah.
- (18) The Political Agent in Jhallawar.
- (19) The Political Agent in Bickaneer.
- (20) The Political Agent in Harowtee and Tonk.
- (21) The Political Agent in the Eastern States of Rajputana.
- (22) The First Assistant to the Agent to the Governor-General at Baroda.
- (23) The First Assistant to the Agent to the Governor-General in Baluchistan.
- (24) The Political Agent, Quetta.
- (25) The Political Agent, Zhob.
- (26) The Political Agent, Kalat and Bolan Pass.
- (27) The Political Agent in South Eastern Baluchistan.
- (28) The Political Agent, Loralai and Railway District.
- (29) The First Assistant to the Political Resident in the Persian Gulf.
- (30) The Political Agent at Muscat.

¹ As amended by Notification No. 1269-I., dated the 22nd March 1889, in Gazette of India 1889, Part I., page 172.

RESOLUTION.

Simla, the 6th May 1886.

No. 632.—The Governor-General in Council is pleased to rule that when a deduction is made under Section 5 (1) (g) of Act II of 1886 from the amount of income liable to the tax imposed by the said Act on account of the payment of a Life Insurance premium, the amount deducted shall, if the premium is payable in sterling, be the actual cost of remittance as stated by the assessee.

Ordered, that this Resolution be communicated to all Local Governments and Administrations, to the Comptroller and Auditor-General, and to all Accountants-General and Comptrollers.

No. 810.

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY.

FINANCIAL DEPARTMENT.

Simla, the 20th May 1886.

SIR,

I am directed to acknowledge the receipt of your letter No. 996, dated the 7th April 1886, requesting the instructions of the Government of India on the following questions in connection with the income tax to be levied under Act II of 1886:—

- (a) Is the recipient of a salary, under Part I of Schedule II to the Act, to be questioned as to his other income in order to determine whether he is liable to the tax, or are all salaries, &c., to be exempt if they are less than Rs. 500 a month, irrespective of other income?
- (b) Is a person whose monthly salary is Rs. 500 or more, but whose total income in the year from all sources is, owing to absence on leave, less than Rs. 500 for the year, entitled to claim a refund of the tax deducted from salary in the months in which he drew it in full? If so, how should the refund be made, seeing that there is no provision in the Act for refunds under Part I?
- (c) If the full monthly salary is Rs. 500 or upwards, but the salary claimable in any month is less than Rs. 500 is the salary for that month exempt from reduction under section 7 as not liable to tax?

Income Tax.]

- (d) If a person receives salary less than Rs. 420 a month, and also has other income less than Rs. 500 a year, but the salary and income together are Rs. 500 or upwards, is the salary exempt from tax under Part I, and the other income exempt under Part IV, so that the person escapes altogether? If not, how is he to be taxed?

2. In reply, I am to state as follows :—

- (a) Salary less than Rs. 500 a month is liable to the tax if the recipient has other income coming under Parts II, III or IV, which brings the total income up to Rs. 500 or more. The person paying the salary should not, however, question the recipient as to his other income. He should deduct the tax solely with reference to the month's salary, unless the Collector brings to his notice that the recipient has other income.
- (b) In the circumstances described in paragraph 1 (b) the person will be entitled to claim refund at the end of the year of the amount of tax deducted from his monthly salary. In order to obtain refund he should, after the close of the year, apply to the Collector stating—
- his total income in the year, giving detail of the several sources ;
 - the amounts deducted from his salary in any month of the year.

The Collector, if satisfied that the total annual income is under Rs. 500, will declare the applicant entitled to refund of the amount deducted, and the amount will be paid like an ordinary refund. The Local Government may, if it considers necessary, prescribe a form on which the Collector's certificate can be given and the refund paid.

- (c) If the salary drawn in any month is less than Rs 500 deduction need not be made on account of the tax on the ground, that the salary of other months has been or will be such as to bring the salary of the year up to Rs. 500. The tax on salary should be deducted with reference to the salary of each month separately.*

Rs 11-10 S for each month separately.)

(Finance Department letter No 4120, dated the 22nd August 1967, to the address of the Secretary to the Government of Bombay)

(d) In the case described in paragraph 1 (d) the salary under Part I, is liable to the tax, while the other income under Part IV is not liable, as stated by the Advocate-General. As to the levy of the tax under Part I, I am to refer you to (a) of this paragraph.

3. It is observed from paragraph 1 of your letter, that the Government of Bombay proposes to embody the orders in the present case in a rule to be issued under Section 38 of the Act. I am directed to say, that the Governor-General in Council is of opinion, that it will be better not to embody these orders in a rule having the force of law. Effect may be given to them by executive instructions.

Copy forwarded to the other Local Governments and Administrations, to the several Departments of the Government of India, to the several Accountants-General and Comptrollers, to the Comptroller of India Treasuries, the Comptroller and Auditor-General, to the Director-General of the Post Office of India, the Commissioner, Northern India Salt Revenue, the Mint Masters, Calcutta and Bombay, the Head Commissioner of Paper Currency, and the Superintendent of Government Printing.

RESOLUTION No. 902.

Simla, the 25th May 1886.

READ—

Letter No. 236, dated 30th April 1886, from the Manager, Eastern Bengal State Railway, enquiring, with reference to Section 5 (1) (g) of Act II of 1836, whether the amount of a premium paid to a Life Insurance Company, should be deducted from the salary of one month or by instalments from the salaries of the several months included in the period of risk covered by the payment of the premium.

RESOLUTION.—The deduction should be made in one sum from the salary bill, to which the receipt for the premium is attached.

ORDER.—Ordered, that this Resolution be communicated to the several Departments of the Government of India; to officers under the Department of Finance and Commerce; to all Local Governments; and all Accountants-General and Comptrollers.

Income Tax.]

Gazette of India, dated 29th May 1886, Para I.—Page 351.

The 28th May 1886.

No. 989.—Resolution—By the Government of India, Department of Finance and Commerce.

Read—

Rule 16* of the Rules published with Financial Notification No. 593, dated the 5th February, 1886, prohibiting all public servants from making public or disclosing, except for the purpose of the working of Act II of 1886, any information contained in the documents delivered or produced with respect to assessments under Part IV of the said Act, and declaring that any public servant committing a breach of this Rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

Resolution.—The Government of India invites the special attention of all officers concerned with the working of Act II of 1886 to the Rule read in the preamble, and further directs that all officers engaged in working the Act shall not merely not disclose any information of the character above referred to, but shall be most careful, as far as practicable, to regulate their proceedings in such manner as to prevent information which should be kept secret becoming known. Information of this nature, it should be precautionally noted, is to be withheld by officers enforcing the Act from persons in the employment of assessees.

ORDER.—Ordered, that the above Resolution be communicated to the several Local Governments and administrations, and that it be published in the *Gazette of India* for general information.

To

THE SECRETARY TO THE GOVERNMENT OF MADRAS,
REVENUE DEPARTMENT.

Simla, the 9th June 1886.

No. 1166.

SIR,

I am directed to acknowledge the receipt of your communication No. 320-A, dated the 5th May 1886, referring for orders the following questions in connection with the tax to be levied under Act II of 1886:—

- (a) Where a public servant holding a permanent appointment of Rs. 41-10-9 or more per mensem has paid the tax on his

* Rule 16 of the Rules published under Notification No. 2713, dated 6th June 1896.
See p. 322, supra.

salary for the first few months of the year, and is subsequently degraded to a lower appointment, and the aggregate salary drawn by him for the year falls below the minimum of Rs. 500, is the tax already levied to be refunded to him on application?

(b) In the case of servants whose services are lent to Court of Wards or public bodies, is the tax to be levied on the gross pay, or on the net amount after deducting pensionary contributions?

2. As regards (a), I am to refer you to paragraph 2 (b) of the letter from this Department, No 810, dated the 20th May 1886, to the Government of Bombay, a copy of which was forwarded to the Government of Madras.

3. As regards (b), I am to state that the tax should be levied on the net and not on the gross salary.

Copy forwarded to all Local Governments and Administrations; the several Departments of the Government of India; the Comptroller of India Treasuries; and the several Accountants-General and Comptrollers.

Orders by the Chief Commissioner of Ajmere-Merwara.

NOTIFICATION.

Dated Abu, the 22nd July 1886.

† No. 777.—In exercise of the powers conferred upon him by Act II of 1836, and by the Notification of the Government of India, in the Department of Finance and Commerce No. 593*, dated the 5th February 1836, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules under the said Act:—

1. In making arrangements under Section 9, Sub-Section (2), of the Act for the recovery on behalf of Government by any company, public body, association, or private employer, of the tax to which any person employed by such company, public body, association, or private employer, is liable the Collector may—

(a) agree to pay to the company, public body, association, or private employer, as the case may be, by way of remuneration, any sum not exceeding five per cent. of the tax to which the person employed is liable;

* Superseded by No. 2763, dated 6th June 1888. See p. 352 *supra*.

† Vide page 450 of the *Gazette of India*, Part II, dated 31st July 1886.

Income Tax.]

- (b) provide that the sums recovered by the company, public body, association, or private employer as aforesaid, shall be delivered to him (the Collector), together with a statement showing the amount deducted from the salary of each employé for each month, at such time and place as he (the Collector) may direct. Payments may be made either monthly or by instalments which shall in no case exceed four in number, provided that the last instalment does not fall due later than the 1st March each year.

2. The Officer whose duty it is to disburse salaries, annuities, pensions or gratuities of a local authority shall within one week from the date of such payment deliver to the Collector a detailed statement showing (1) the amount of gross payments liable to the tax, (2) the amount of tax deducted by him, and (3) the date of payment into the Treasury together with a receipt for the same duly countersigned by the Officer in charge of the Treasury. All variations that have taken place since the submission of the list prescribed under Section 10 of the Act should be explained in a separate memorandum.

3. The list prescribed by Section 16 of the Act, or such part or parts thereof as the Collector thinks fit, shall together with the Notification under Section 16, Sub-Section (3), be posted up in some conspicuous place in every tahsil, in the principal Mohallas of every town, and in the *Chaupal* or other place of public resort in every village, in which any person included in the list resides. They shall be drawn up in Hindi and Urdu.

4. Under Section 18, Sub-Section (1), clause (a), the Collector may, instead of including them in the list published under Section 16, serve a notice under Section 17 on—

(a) persons whose names are entered in the Durbar list of the Chief Commissioner,

(b) all persons whose vernacular is English;

or he may include them in such list under Section 16 in addition to serving a notice on them under Section 17.

5. The Collector is hereby authorised under Section 18, Sub-Section (1), clause (b), of the Act to publish general notices in the following localities:—

(i)—All Municipalities.

(ii)—All Cantonments.

(iii)—All Civil Stations at the head quarters of districts and sub-divisions.

[Income Tax.]

6. The date to be specified in the general notice referred to in the preceding rule, as well as in the notice to be issued under Section 43, as that on or before which the returns should be made, shall be a date not less than 30 days from that on which the notice is published.

7. (1).—The tax leviable under Part IV (a) shall be paid in one sum on the date mentioned in the list or notice.

(2).—The tax leviable under Part IV (b) may be paid in the following instalments :—

(a).—If his income does not exceed Rs. 10,000, in two equal instalments, one to be paid on the date mentioned in the list or notice and the other on January 1.

(b).—If his income exceed Rs. 10,000, in three equal instalments, one to be paid on the date mentioned in the list or notice, one on October 1, and one on January 1.

8. Under Section 47, Sub-Section (5), the powers conferred upon the Local Government by Section 47, Sub-Sections (2) and (4), are hereby delegated to the Commissioner of Ajmere-Merwara.

9. Receipts under Section 32 shall not be signed by any Officer inferior in rank to a Tahsildar, unless with the special sanction of the Commissioner of Ajmere-Merwara.

10. The appended Forms and Registers are prescribed under the Act.

Notice under Section 10, Act II of 1886.

To

THE PRINCIPAL OFFICER OF

Take notice that you are required, under Section 10, Act II of 1886, to prepare and deliver or cause to be delivered at the Office of the undersigned a return in the Form annexed (Form A) on or before the 15th April 188 .

COLLECTOR'S OFFICE, } (Sd.)
District, }
Dated _____

Collector.

Forms A B, C and D. [For these See Government Notification No. 2763, dated the 6th June 1890, printed at p. 352, supra.]

Form E.

Notice under Section 12 (1), Act II of 1886.

No. _____

To

You are hereby required either to produce or to cause to be produced on or before the _____ day of _____ next for the inspection of the undersigned such of the accounts of the _____ Company as refer to the year ending on the _____ and as are in your possession and power.

If you fail herein you will be liable to prosecution under Section 34, Sub-Section (4), clause (c), of Act II of 1886.

COLLECTOR'S OFFICE : } (Sd.)
District. }
Dated _____

Collector.

Form F.

*List of persons chargeable with Income Tax prepared
under Section 16, Act II of 1886.*

All persons whose names are included in this list are hereby required to take notice that they have been assessed under Part IV of the second Schedule of Act II of 1886 according to the particulars specified below. All persons named in this list are required to pay the amounts specified in the fifth column as due by them within sixty days from the _____ day of _____ next. Any person not paying the tax due by him will be proceeded against according to law. Payment should be made at

to the _____ Tahsildar
Treasury Officer who will grant a receipt.

Objections to the assessment may be made to the Collector by petition within 30 days from the date above mentioned.

1	2	3	4	5	6
NAME.	Source or sources of estimated income	Year or portion of year for which the tax is payable.	Place or places, district or districts where, the income accrues	Amount of tax payable.	Place where and the person to whom payment is to be made.

COLLECTOR'S OFFICE :
District.

(Sd.)

Dated

Collector,

Form G.

Notice under Section Act 17, Act II of 1890.

No. _____

To

You are hereby required to take notice that you have been assessed under Part IV of the second Schedule of Act II of 1890 according to the particulars specified below. You are required to pay Rs. _____ the amount of the tax to which you have been assessed within sixty days from

FORM H.

General Notice under Section 18, (1) (b), Act II of 1886.

Every person living within the Municipality, Cantonment, or Civil Station of _____, and chargeable under Part IV of the second Schedule of Act II of 1886, is hereby invited to deliver or cause to be delivered to the undersigned on or before the _____ day of _____ next, a return, in the form printed below, of his income during the year ending on the day on which his accounts have been last made up, or if his accounts have not been made up within the year ending on the 31st day of March 18____, then of his income during the year ending on the 31st day of March last.

Forms of the return and declaration, together with instructions for filling up the return, can be obtained at the office of the undersigned.

COLLECTOR'S OFFICE ·

(Sd.)

District. }

Dated

Collector.

1	2	3	4	5	6
Name.	Residence or place of business.	Source or sources of income, specifying separately those chargeable under parts I, II, III, and IV of Schedule II of the Act.	Income derived from each of these sources during the past year, mentioning the period during which the income from each source has been derived.	Names of sharers, if any, in the income mentioned in columns 3 and 4, with specification of those shares.	REMARKS.

I _____ do hereby declare that the income shown in this return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that I have no other source of income.

Dated

Signature

*FORM I.

O B V E R S E

Form of return and declaration under Section 18, Act II of 1886.

1	2	3	4	5	6
Name.	Residence or place of business.	Source or sources of income, specifying separately those chargeable under parts I, II, III, and IV of Schedule II of the Act	Income derived from each of the sources during the past year, mentioning the period during which the income from each source has been derived.	Names of shares, if any, in the income mentioned in columns 3 and 4, with specification of their shares.	REMARKS.

I do hereby declare that the income shown in this return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that I have no other source of income.

Dated

REVERSE.

Signature.

Instructions for filling up the return.

In the case of a firm the ordinary designation of the firm should be entered in column 1.

If the person or firm making the return has several places of residence or business, they should all be mentioned in column 2, the principal place of business or residence being specified.

In column 3 every separate source of income accruing and arising, or received in British India, should be entered in detail. Salaries, pensions, and

* Substituted for the original Form I by Notification 210 685, dated 15th March 1887 G. O. 1 P. II, p. 125.

annuities, whether paid by Government, by a local authority or Company, or by a private employer, are chargeable under Part I. The net profits of companies or associations carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether the Company is incorporated or not, and whether its principal place of business is situated in British India or not, are chargeable under Part II. Income derived from interest on Government securities, or debentures or other securities issued by a local authority or Company, is chargeable under Part III. All other income is chargeable under Part IV.

If a person filling in the return occupies a building for which he pays no rent, he should enter in column 4 an amount equivalent to five-sixths of the sum at which the building might reasonably be expected to have let.

Against the gross receipts no deductions should be made on account of disbursements or expenses not wholly and exclusively incurred in respect of the profits returned, nor should deductions be made on account of the maintenance of the person himself or his family or domestic establishment, nor on account of any public or local rates, cesses, or taxes.

Deductions from the gross receipts will be allowed on account of the following items —

(a)—In the case of professions and trades.—

Sums expended in repairs of machinery, implements, and utensils, or articles used solely for the purpose of the profession or trade.

Sums expended for insuring or keeping insured the buildings, machinery, implements and stock used for the purpose of the profession or trade and rent paid for any premises used for such profession or trade; provided that if such premises shall not have been exclusively used for such profession or trade, a fair proportion only of such rent shall be deducted from the gross receipts.

Ten per cent. on the full rent of such premises on account of repairs, if such repairs are at the cost of the petitioner, whether it has or has not been actually expended during the year of assessment.

Sums expended in the payment of persons employed solely in such profession or trade.

The amount of any losses of the stock-in-trade. The excess loss sustained in any profession or trade over and above the profits thereof may be set against the excess profits of any other profession or trade exercised by the same persons.

The amount of any bad debts for the first time ascertained and written off as such during the year.

Income Tax.]

Interest paid on money borrowed for the purpose of the trade, or profession.

Sums paid to an Insurance Company for the insurance of the life, or for a deferred annuity on the life of the person assessed or his wife, not exceeding one-sixth of the said profits.

(b)—In the case of income from houses—

Any rent paid on account of such houses, but not taxes, or local rates or cesses.

Sums expended for insuring and keeping insured such houses, 10 per cent on the full rent of the houses on account of repairs, if such repairs are at the cost of the petitioner, whether it has or has not been actually expended during the year of assessment

Sums expended in collecting the rent, not exceeding 6 per cent. of the gross rental.

Annual interest payable to a mortgagee not in possession.

In the case of a firm or a Hindu undivided family, no entry should be made in column 5; but in other cases where the sharers are chargeable separately, and it is wished that they should be so charged, the column must be filled in.

If the person filling in the return is chargeable (1) as a trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, (2) as an agent of a non-resident, (3) as receiver or manager appointed by any Court in India or as official trustee in respect of income officially in his possession or under his control, the fact should be stated in the column of remarks

N.B.—The attention of all persons filling in these returns is called to Section 35, Act II of 1886, which is printed below for general information:—

"If a person makes a statement or a declaration mentioned in Section 18, sub-section (2), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in Section 177 of the Indian Penal Code."

NOTE.—Gross income should be shown in column 4, deductions claimed should be shown separately in column 6. Deductions allowed will be made by the Collector before assessing the tax.

FORM K.

Receipt under Section 32, Act II of 1886.

COUNTERFOIL.

1.—Serial No.

2.—Date of payment or recovery
of the money.3.—Amount paid or recovered,
including penalty, if any.4.—Name of person liable to the
tax.5.—Source or sources of income
in respect of which the tax
was payable6.—The year or part of the year
for which the tax was pay-
able.7.—The place or places, dis-
trict or districts, in which
the income accrued.8.—Amount of instalments, if
any, remaining due.

(Sd.)

*Collector or Tahsildar or Treas-
ury Officer.*

1.—Serial No.

2.—Date of payment or recovery
of the money.3.—Amount paid or recovered,
including penalty, if any.4.—Name of person liable to the
tax.5.—Source or sources of income
in respect of which the tax
was payable.6.—The year or part of the year
for which the tax was pay-
able.7.—The place or places, district
or districts, in which the
income accrued.8.—Amount of instalments, if
any, remaining due.

(Sd.)

*Collector or Tahsildar or Treas-
ury Officer.*

Income Tax.]

STATEMENT.

1	2	3
Name of Trustee, Guardian, Curator, Committee, or Agent.	Whether Trustee, Guardian, &c., or Agent.	Name of persons, if any, for whom he is Trustee, &c.

Dated

Signature.

FORM N.

Notice under Section 43, Act II of 1886.

No.....

To

You are hereby required to fill in and deliver or cause to be delivered to the undersigned, on or before the day of next, the accompanying Form I of return in respect of the property of which you are*

Instructions for filling up the return are printed on the reverse of it.

COLLECTOR'S OFFICE: }
District. }

(Sd.)

Dated

Collector.

* Here enter Manager or Receiver or Official Trustee, as the case may be.

Register of Salaries, Pensions, Grativities, Annuities, &c., other than those paid by Government assessed under Part I., Act II of 1886.

[illegible]

REGISTER No. III.

Register of Income assessed under Part IV, Act II of 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Town or Village.	Street or Ward.	Name of Assessee.	Father's name	Caste	Title or Profession.	Estimated amount of annual income.	Tax assessed thereon.	Assessment after hearing of objection (if any) by Collector.	Final demand after hearing of appeal (if any) by Commissioner.	Penalty, if any	Total	Date on which payment is due.	Date of payment.		REMARKS.

REGISTER No. VIII.

Register of Notices issued under Act II of 1886

1	2	3	4	5	6	7	8	9
Number of Notices issued under Section 12 (1)	Name and nature of Company.	Number of Notices Under Section 17	Name, address, and occupation of assessee	Number of Notices under Section 1a (1) (b)	Number of Notices under Section 41	Number of Notices under Section 42	Number of Notices under Section 43	REMARKS.

REGISTER No. IX.

Register of Prosecutions under Section 36 for offences under Sections 34 and 35, Act II of 1886.

1	2	3	4	5	6	7	8	9
Number	Name of person prosecuted	Date of Collector's order under Sec tion 36	Date of issue of warrant	Magistrate before whom prosecuted	Section under which prosecuted	Order of Magistrate and date of order	Amount recovered and date of re- covery.	Remarks

REGULATION NO. VIII OF 1887.

A Regulation to declare the Law relating to Irrigation from Tanks belonging to the Government in Ajmere.

(Received the assent of the Governor-General on the 8th August 1887, and published in the Gazette of India, 1887, part I., page 403).

WHEREAS it is expedient to declare the law relating to irrigation from tanks to the exclusive use and control of the water
 Preamble. whereof the Government is entitled under section 5 of the Ajmere Land Revenue Regulation, 1877. It is hereby enacted as II of 18 follows:—

Title, extent, and com- 1. (1) This Regulation may be called the Ajmere
 mencement Irrigation Regulation, 1887.

(2) It extends to the territories now administered by the Chief Commissioner of Ajmere, and subject to the provisions of the Statute 33 Victoria, chapter 3, section I, and

(3) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, appoint in this behalf (a)

Definitions 2 In this Regulation, unless there is something repugnant in the subject or context,—

(1) "Field" means an area bearing a separate number in the village map or khasra

(2) "Stream-embankment" means a dam across a river, stream, or natural drainage-channel and includes a dam known locally as "rappat"

(3) "Field-embankment" means an embankment, whether made by raising the boundary of a field or otherwise, which retains or is intended to retain, surface drainage, and includes an embankment known locally as "nadi"

(a) The Ajmere Irrigation Regulation, 1887, came into force on 1st October 1887 vide C. C. Notice No. 1279, dated 15th October 1887 G. O. of I. part II, for 1887 p. 64

Irrigation.]

- (4) "Tank" means a tank constructed by the Government, and includes such stream-embankments and field-embankments as are maintained at the expense of the Government :
- (5) "Duct" includes any channel which is supplied with water from a tank and is maintained by the Government :
- (6) "Watercourse" means a channel which is supplied with water from a tank or duct, but which is not maintained by the Government :
- (7) "Lift" includes any appliance used for the purpose of raising water from a tank, duct, or watercourse : and
- (8) "Water-revenue" means any sum payable to the Government for the supply or use of the water of a tank.

3. (1) The Chief Commissioner may, by order in writing, define, with respect to any tank specified in the order, the limits of the area in the vicinity thereof within which lands are to be liable to be assessed to water-revenue, as being benefitted by percolation from the tank.

Assessment to water-revenue of irrigation due to percolation

(2) The order of the Chief Commissioner under sub-section (1) shall be conclusive proof of the existence of percolation

(3) If a person makes a well, lift, or other irrigation work within the limits defined by the Chief Commissioner under sub-section (1), any land irrigated from the well, lift, or work may be assessed to water-revenue as if it were irrigated from the tank.

(4) (1) With the previous sanction of the Governor-General in Council, the Chief Commissioner may make rules to regulate the following matters, namely :—

Power to make rules.

- (a) The rates at which water-revenue is to be assessed, and the mode of assessment ;
- (b) The collection, suspension, remission, and refund of water-revenue ;
- (c) The distribution of water of tanks, and the decision of disputes with respect thereto ;
- (d) The repairs of tanks, ducts and water-courses and of works connected therewith, and the incidence and payment of the cost of repairing water-courses, and of repairing such tank and works

[Irrigation.]

connected therewith, as in accordance with any engagement between the Government and any persons, are required to be kept in repair by, or at the expense of, those persons;

- (e) The requisition of, and the rates to be paid for, labour in cases of serious emergency threatening sudden and extensive public injury;
- (f) The person by whom, and the time, place, or manner at or in which, anything for the doing of which provision is made in any rule under this regulation is to be done;
- (g) The powers, duties, and proceedings of any officer or other person who by any such rule is empowered or required to take action in any matter;
- (h) The cases in which the officers to whom, and the conditions subject to which, order passed under any such rule are to be appealable; and
- (i) The exercise of the right of the Government to the exclusive use *and control of the water of rivers and streams flowing in natural channels, and of natural collections of water, in so far as the Chief Commissioner may deem the exercise of that right to be necessary for the purposes of this Regulation*

(2) In making a rule under this section the Chief Commissioner may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and that a person convicted of a breach of the rule a second time, shall, in addition to being liable to fine, be liable to be deprived of the supply of water for irrigation for the current harvest or for the current and next succeeding harvest.

5. If any water-revenue, or any other sum payable under any rule under this Regulation, and not being a fine, remains unpaid after the day on which it becomes due, it may be recovered from the person primarily liable to pay it, or from his surety, if any, as if it were an arrear of land-revenue.

6. (1) A Civil Court may take cognizance of a suit to contest the title of the Government to the exclusive use and control of water to which section 5 of the Ajmer Land and Revenue Regulation, 1877, relates and to which any provision of the

Irrigation.]

of this Regulation or of any rule thereunder has been applied, but shall not in any such suit make a decree or order affecting the supply of water to any crop sown or growing at the time of the decree or order.

(2) Save as provided by sub-section (1), a Civil Court shall not take cognizance of any claim in respect of anything done in pursuance of this Regulation or of any rule thereunder.

AJMERI IRRIGATION RULES, 1887.

CONTENTS.

A.—Rates of water-revenue and mode of assessment thereof

B.—Collection, suspension, remission, and refund of water-revenue.

C.—Distribution of water of tanks, and the decision of disputes with respect thereto

D.—Repairs of tanks, ducts, and water-courses, and of works connected therewith.

E.—Requisition of, and rates to be paid for, labour in cases of serious emergency, threatening sudden and extensive injury.

F.—Person by whom, and time, place and manner at or in which anything for the doing of which provision is made in any Rule is to be done.

G.—Powers, duties, &c., of any officer or other person who is empowered or required to take action in any matter.

H.—Cases in which, and officers to whom and the conditions subject to which, orders passed shall be appealable.

I.—Exercise of right of Government to the exclusive use and control of water of rivers and streams and of natural collection of water, in so far as the Chief Commissioner may deem necessary.

J.—Penalties.

Appendix A.—List and forms of statements to be submitted.

- (a) The following Rules, to be called "The Ajmere Irrigation Rules," have been framed by the Chief Commissioner under Section 4 of the Ajmere Irrigation Regulation, 1887, and having received the sanction of the Governor-General in Council, are hereby promulgated for general information:—

RULES.

A—The rates at which Water Revenue is to be assessed, and the mode of Assessment. [Regulation, Section 4 (1) (a).]

1 For the purposes of these Rules, tanks in Ajmere-Merwara are divided into four classes, as follows.—

1st Class—Those in which the irrigated area pays either a crop-rate, varying as the crop sown, are a special contract rate settled by agreement, in lieu of the same.

2nd Class—Those in which a standard area and a standard revenue have been fixed, and under which the land pays a rate which, within defined limits, varies in proportion to the area on which crops are irrigated or brought to maturity, and (when the supply for the spring crop runs short) as the number of waterings given to the field.

3rd Class—Those paying an assessment fixed for a period of years and which are maintained by Government.

4th Class—Those paying an assessment fixed for a period of years and which are repaired by the villagers.

2. All lands irrigated from a Government tank are liable to pay water-rate according to the rules herein given, provided that nothing herein contained shall be deemed to affect the special rules for variably assessed villages.

3. Except where the rates have been fixed by special contract, the crop-rates in tanks of the 1st class shall be fixed at each settlement by order of the Chief Commissioner. Provided that no change shall be made in the rates once fixed without the previous sanction of the Governor-General in Council, and unless such alterations have been notified to the Landholders of the villages concerned not less than three months before the commencement of the agricultural year in which they are to take effect.

Irrigation.]

4. The following crop-rates per acre shall be charged on land irrigated from tanks of the 1st class, not paying special contract rates during the currency of the present settlement or until further orders:—

					Rs. A.
Ordinary autumn crop,	...	..	per crop		3 12
Cotton,	..	...	" "		5 0
Spring crops,	..	..	" "		5 0
Lucerne,	..	...	per annum		5 0
Sugar-cane and opium,	...	...	" "		7 13
Rice	...	...	" "		10 15
Gardens	...	..	" "		11 14
Sowing watering	..	...	" "		1 4

- (a) Should single waterings at special rates be applied for, they may be given for ordinary spring crops at the rate of two-fifths of the above rate (Rs. 5) for one watering and four-fifths for two waterings.
- (b) In Istimrar or Jagir fields irrigated from these tanks and paying crop-rates, when the crop is divided between the Istimrardar or Jagirdar and the cultivator, an amount of grain representing in value the water-rate shall, previous to the division of such crop, be set aside and made over to the Istimrardar or Jagirdar, who shall thereupon be responsible for the water-rate. If by former usage the irrigated crops so grown pay a money-rent higher than the dry rate, the Istimrardar or Jagirdar shall pay the water-rate, and shall be entitled to collect two-thirds of the same from the actual cultivator of the land; but if he only collects the dry rate, the cultivator shall be responsible for the whole water-rate.

5 In tanks of the 2nd class, a standard revenue has been fixed on a standard khalsa area, which shall be liable to revision only at each settlement. This revenue will be collected by a rate varying between a maximum and a minimum on the principles hereinafter given. Provided that (a) when in consequence of the smallness of the assessable area, ascertained under Rule 16, the rate exceeds the standard maximum rate, the latter only shall be collected and the balance remitted; but (b) when the assessable area, ascertained as aforesaid, is greater than the standard area, and the rate consequently falls below the minimum standard rate, the latter shall be collected and the surplus credited to Government.

[Irrigation.]

6. The assessment of tanks of the 3rd and 4th class have been distributed on the holdings, and shall remain unchanged during the currency of the period for which such assessment was made.

7. The assessment of tanks of the 1st and 2nd class shall be made half-yearly while the crops are in the ground, after an inspection of such crops and a testing of the statements in the field by the officer deputed for this purpose. Each sharer shall be informed by notice of the sum due from him, and no assessments so made shall be collected until five weeks have elapsed from the date of such notice, to allow of objections being lodged and disposed of.

8. Any objection to the assessment of a field irrigated from tanks of the 1st and 2nd class, made on the ground that the crops have not reached maturity, must be filed while the crop is on the ground, and pending the disposal of any such objection the crop shall not be removed without the sanction of the Assistant Commissioner, or of some officer empowered by him.

9. Any watering taken from tanks of the 1st class shall, unless special rates have been granted under Rule 4 (a), render the cultivator liable to pay the full rates for the crop to which it is given. Provided that when the water in the tank fails before the crop is brought to maturity (as hereinafter defined), the land shall be assessed at such reduced rate as may seem to the Assistant Commissioner equitable.

10. If in tanks of the 1st or 2nd class a cultivator takes water for the autumn crop with the obvious intention of softening the ground for the spring crop next ensuing, the assessing officer may direct that he shall pay the rate chargeable for a matured spring crop.

11. Land assessed at well rates at settlement, if irrigated with the permission of the Assistant Commissioner or officer empowered to act under Rule 59 from any tank of the 1st or 2nd class, shall be paid for at the uniform rate of Rs. 5 per acre for the harvest. If without the permission of either of the aforesaid officers water from such tanks has been taken to such land, an extra rate not exceeding 50 per cent. of the assessment, calculated at the rate of Rs. 5 per acre, may be imposed by the Assistant Commissioner as a punitive measure.

12. Water run to waste by neglect on uncultivated land from a tank of the 1st or 2nd class may be measured up and charged for at such rate, not

Irrigation.]

4. The following crop-rates per acre shall be charged on land irrigated from tanks of the 1st class, not paying special contract rates during the currency of the present settlement or until further orders:—

			Rs. A.
Ordinary autumn crop,	per crop	3 12
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Rice	" "	10 15
Gardens	" "	11 14
Sowing watering	" "	1 4

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5. In tanks of the 2nd class, a standard revenue has been fixed on a standard khalsa area, which shall be liable to revision only at each settlement. This revenue will be collected by a rate varying between a maximum and a minimum on the principles hereinafter given. Provided that (a) when in consequence of the smallness of the assessable area, ascertained under Rule 16, the rate exceeds the standard maximum rate, the latter only shall be collected and the balance remitted; but (b) when the assessable area, ascertained as aforesaid, is greater than the standard area, and the rate consequently falls below the minimum standard rate, the latter shall be collected and the surplus credited to Government.

[Irrigation.]

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8. Any objection to the assessment of a field irrigated from tanks of the 1st and 2nd class, made on the ground that the crops have not reached maturity, must be filed while the crop is on the ground, and pending the disposal of any such objection the crop shall not be removed without the sanction of the Assistant Commissioner, or of some officer empowered by him.

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10. If in tanks of the 1st or 2nd class a cultivator takes water for the autumn crop with the obvious intention of softening the ground for the spring crop next ensuing, the assessing officer may direct that he shall pay the rate chargeable for a matured spring crop.

11. Land assessed at well rates at settlement, if irrigated with the permission of the Assistant Commissioner or officer empowered to act under Rule 59 from any tank of the 1st or 2nd class, shall be paid for at the uniform rate of Rs. 5 per acre for the harvest. If without the permission of either of the aforesaid officers water from such tanks has been taken to such land, an extra rate not exceeding 50 per cent. of the assessment, calculated at the rate of Rs. 5 per acre, may be imposed by the Assistant Commissioner as a punitive measure.

12. Water run to waste by neglect on uncultivated land from a tank of the 1st or 2nd class may be measured up and charged for at such rate, not

Irrigation.]

exceeding the highest crop-rate, as the Assistant Commissioner may direct, in addition to any penalty inflicted under Rule 68.

13. "Bhum" and "muafi" lands, which have been declared to be entitled to receive water at privileged rates, shall pay uniformly Rs. 1-4 the acre per harvest, however many waterings they have had, and irrespective of whether such lands bring a crop to maturity or not. When such lands have not been declared entitled to get water at privileged rates, they shall pay the rate of the harvest as paid under the rules by the khalsa lands of the same tank.

14. Fodder crops grown in the beds of tanks during the hot months will not be assessed

15. The irrigated area of a village shall be shown in acres without fractions, and the water revenue of a village in rupees without fractions. In distributing water revenue on the holdings, fractions of an anna other than $\frac{1}{4}$, $\frac{1}{2}$ and $\frac{3}{4}$ shall be omitted.

16. The area to be assessed in tanks of the 2nd class shall be reckoned as follows —

- (1) It will include all irrigated khalsa lands watered from the tank sluices either by flow or lift; or from wells or lifts or other irrigation works made within the boundaries laid down under the provisions of Section 3 (1) of the Ajmere Irrigation Regulations, 1887. Provided that such land has not been already assessed to revenue at all rates by the Settlement Officer, and provided also that each acre watered from a well constructed or brought into use during the currency of the settlement within boundaries above referred to, and assessed by dry rates, shall, for assessment under this rule only, count as half an acre.
- (2) It will include all lands demarcated as part of the tank area, which in the autumn harvest brings a crop to maturity, whether such crop be irrigated or not, unless it be shown that no water came into the tank, in which case no rate shall be assessed. Provided that each acre not irrigated, assessed under this rule, shall only count as $\frac{2}{3}$ of an acre; and provided that a crop shall be considered brought to maturity in which the yield, as esti-

[Irrigation.]

mated by the assessing officer, is not less than 25 per cent. of a full average yield

- (3) In the spring crop, if the water is above sluice-level on February 15th, every area getting water shall ordinarily be considered as fully irrigated.
- (4) When water is not above sluice-level on February 15th, the number of waterings received by the standing crop in each field shall be counted, but in such countings a sowing watering shall not be included. An acre receiving only one watering shall count as $\frac{1}{2}$ of an acre, and one which has received two waterings as $\frac{2}{3}$; every acre which has received three waterings shall be considered to have been fully irrigated. No extra charge shall be made for land which has received more than three waterings

17. In tanks of the 2nd class the rate for the autumn harvest shall be fixed at the close of the irrigation of such harvest, and shall depend partly on the khalsa area under crops, and partly on the height of water remaining over sluice-level. If at that time little or no water remain the rate shall, subject to the maximum and minimum mentioned in Rule 5, be obtained by dividing the khalsa irrigated area found, according to the last rule, into the tank assessment. If a considerable amount of water remains over the sluice-level, and there is a reasonable prospect of a further assessment in the spring harvest, then the rate charged shall be either the minimum rate, or such rate intermediate between it and the maximum, as may seem to the assessing officer most likely to ensure the collection of the standard water revenue.

18. Before the rate for the spring harvest is struck, there shall be deducted from the standard tank assessment—

- (1) Collections made under the last rule.
- (2) Collections on account of sowing waterings for the spring crop made at the uniform rate of Rs. 1-4 the acre, which shall be due even though the land so irrigated has been sown and not sown. Provided that this assessment shall be collected from land afterwards irrigated in the spring from the tank.

Irrigation.]

19 If after making the deductions referred to in the preceding rule there be no balance, the rate for the spring crop shall be the minimum standard rate fixed at settlement; but if there is a balance, the rate shall be obtained by dividing such balance by the khalsa assessable area found under Rule 16, and shall be collected subject to the rules of maximum and minimum mentioned in Rule 5

B. The collection, suspension, remission, and the refund of Water Revenue. [Regulation, Section 4 (1) (b)].

20. The dates for the collection of the instalments of water revenue shall be the same as those sanctioned for the land revenue of the district.

21 In tanks of the 1st class, lumberdars and patels, or whosoever collects water revenue, shall receive Rs 3-2 per cent. on collection paid in by them on or before the day on which the collections become due.

22. Subject to the orders of the Commissioner, the Assistant Commissioner may suspend the collection of any water revenue or other dues payable under these rules.

23. The Commissioner may, of his own motion, or on the recommendation of the Assistant Commissioner, remit the revenue of any tank to the amount of one quarter of the whole assessment of the same, if the tank be of the 2nd, 3rd, or 4th class; and to the amount of one quarter of the assessment in any particular holding in tanks of the 1st class. All other remissions require the sanction of the Chief Commissioner, to whom they shall be submitted half-yearly for orders.

24. No refund of collections made under those rules shall be granted except with the sanction of the Commissioner.

C.—Distribution of water of tanks, and the decision of disputes with respect thereto. [Regulation, Section 4 (1) (c)].

25. In tanks of the 1st class the Assistant Commissioner may distribute water according to his discretion.

In tanks of the 2nd, 3rd, and 4th class, the Punchayet, hereinafter

**Rules made by the Chief Commissioner of Ajmere-
Merwara, under Section 145 of the Ajmere
Municipalities Regulation, 1886.**

CORRECTED UP TO 22ND FEBRUARY, 1896.

1. In the case of a Municipality which has been
Appointment of a Municipal Committee excepted under Section 162. excepted under Section 162, Sub-section (1), from the operation of the rule requiring that a certain proportion of the members of a Municipal Board be elected, not less than three-fourths of the members of the board shall ordinarily be persons who are residents of the Municipality, and are not in the service of Government. This condition shall, however, be liable to modification at the discretion of the Chief Commissioner.

2. Save as in these rules, or in the Regulation
Term of office of elected members. provided, the term of office of an elected member shall be three years.

3. Subject to the direction of the next rule, and of
Term of office of appointed members. Section 14, Sub-section (3), of the Regulation, the term of office of an appointed member shall, unless in any case in which the Chief Commissioner order otherwise, be three years.

4. Subject to the direction of Section 23, Sub-section (3) of the Regulation, the term of office of Chairman.

- (a) of a person who, not being a member of the committee at the time of his election, is elected to be Chairman, or
- (b) of a Chairman appointed by the Chief Commissioner,

shall, unless in any case the Chief Commissioner order otherwise, be three years.

4 (A.) All existing members, whether elected or appointed, shall, irrespective of the date of their election or appointment, vacate their seats on the 1st April 1896, on which date the new members elected or appointed under the revised rules, published with the Chief Commissioner's notifications Nos. 1726, dated 23rd June 1894, and 3196, dated 27th November 1894, will commence their term of office.

5. When the place of an elected member of a Committee becomes vacant by his resignation, removal, or death, or by the avoidance of his election, or by his refusal to accept office, casual vacancy is created, and the place shall be filled—

- (a) if that member would regularly have gone out of office within six months, then by election held by the members of the Committee at a Special Meeting, out of persons who are qualified for election as members, within four weeks after the occurrence of the vacancy, or within such further period as the District Magistrate may by order allow ;

- (b) if that member would not regularly have gone out of office within six months, then, as the Chairman may direct, either by election at the next triennial election, or by election held at such other time and at such place as the Chairman may prescribe, and notified and conducted in the same manner, and subject to the same incidents as a triennial election.

6. Casual vacancies among appointed members shall be filled by the Chief Commissioner.

7. In the Municipalities of Ajmere and Beawar all business shall be transacted and proceedings recorded in the English and Urdu languages, and all notices shall be issued in English, Urdu, and Hindi.

8. In the Municipality of Kekri all business shall be transacted in the Vernacular, and all proceedings and notices recorded and issued in the Nagri character.

9. Any person who imports or intends to import dutiable articles shall be called upon to declare whether such articles are intended for use or consumption within the Municipality, or whether they are in transit. If they are for use or consumption, the duty shall be paid, and the certificate of payment shall be delivered to the importer. If the articles are declared to be in transit, no duty shall be levied, but the goods shall be either passed at once for immediate exportation or stored, as provided in Rule 18, until it shall be convenient for the importer to forward them.

10. Subject to the provisions of Rule 9, duty on articles declared liable to the payment of Octroi duty by any Municipal Committee shall be paid either (1) before or (2)

4. Subject to the direction of Section 23, Sub-section (3) of the Regulation, the term of office of Chairman.

(a) of a person who, not being a member of the committee at the time of his election, is elected to be Chairman, or

(b) of a Chairman appointed by the Chief Commissioner,

shall, unless in any case the Chief Commissioner order otherwise, be three years.

4. (A.) All existing members, whether elected or appointed, shall, irrespective of the date of their election or appointment, vacate their seats on the 1st April 1896, on which date the new members elected or appointed under the revised rules, published with the Chief Commissioner's notifications Nos. 1726, dated 23rd June 1894, and 3196, dated 27th November 1894, will commence their term of office.

5. When the place of an elected member of a Committee becomes vacant by his resignation, removal, or death, or by the avoidance of his election, or by his refusal to accept office, casual vacancies.

Casual Vacancies.

avoidance of his election, or by his refusal to accept office, casual vacancy is created, and the place shall be filled—

(a) if that member would regularly have gone out of office within six months, then by election held by the members of the Committee at a Special Meeting, out of persons who are qualified for election as members, within four weeks after the occurrence of the vacancy, or within such further period as the District Magistrate may by order allow ;

(b) if that member would not regularly have gone out of office within six months, then, as the Chairman may direct, either by election at the next triennial election, or by election held at such other time and at such place as the Chairman may prescribe, and notified and conducted in the same manner, and subject to the same incidents as a triennial election.

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8. In the Municipality of Kekri all business shall be transacted in the Vernacular, and all proceedings and notices recorded and issued in the Nagri character.

9. Any person who imports or intends to import dutiable articles shall be called upon to declare whether such articles are intended for use or consumption within the Municipality, or whether they are in transit. If they are for use or consumption, the duty shall be paid, and the certificate of payment shall be delivered to the importer. If the articles are declared to be in transit, no duty shall be levied, but the goods shall be either passed at once for immediate exportation or stored, as provided in Rule 18, until it shall be convenient for the importer to forward them.

10. Subject to the provisions of Rule 9, duty on articles declared liable to the payment of Octroi duty by any Municipal Committee shall be paid either (1) before or (2)

immediately on their arrival within the Octroi limits, to such officers and at such places as the Committee may from time to time direct in this behalf. In the former case, the invoice bearing the original signatures of the despatching agent shall be produced at the Head Octroi Office, and shall be considered valid, and accepted as conclusive evidence of the value of the goods. On payment of the duty a certificate of payment shall be issued in the name of the importer, on production of which the goods shall be allowed to pass the barrier. In the latter case, before the goods shall be allowed to pass, the invoice, if there be one, shall be produced at the barrier, and shall be sent on to the Head Office for check. In the event of there being no invoice, a declaration must be made and signed by the importer at the barrier, specifying the nature, weight in Government maunds and seers, and value of the goods. In the event of the invoice being subsequently received by the importer, he shall be bound to produce the same at the Head Office for check, and for payment of the difference of duty, if any.

11. In the case of dutiable goods imported by Railway, the Railway receipt must be produced, in addition to the above-mentioned invoice or declaration, before the goods shall be allowed to pass.

12. All importers of goods shall render every facility to all Octroi officials for the purpose of having their goods appraised, and, when required to do so, shall allow the whole or any portion of such goods to be examined, weighed, measured, or otherwise appraised. Any expense incurred in such appraisalment shall, subject to an appeal to the Chairman of the Committee, be borne by the importer.

13. All importers shall, on demand, permit any Octroi official to inspect any Octroi receipts in their possession, and, on arrival of the goods at the market, shall, on demand, deliver such receipts. No such receipts shall be taken out of Municipal limits on any pretext whatever.

14. The Chairman of a Municipal Committee shall be at liberty to inspect and examine the account books of any trader, whenever it may be deemed necessary to do so in the interests of Octroi taxation.

15. Any person evading, or attempting to evade, the payment of Octroi, or infringing or attempting to infringe Rules 9 to 14, or in any way obstructing the Committee or any of their servants in the performance of their duty under such rules, shall be liable to a fine not exceeding Rupees 50.

16. Copies of the rules for the assessment and
Exhibition of Tables of collection of Octroi, and the Octroi
Octroi, schedules in English, Urdu, and Hindi
 shall be exposed at every Octroi outpost, and at the Head
 Octroi Office.

17. On the exportation, without any limit of time
Refunds of Octroi. from the date of importation of goods
 which have paid duty under Rule 9,
 or of any portion of such goods, the duty levied, or a proportionate amount of such duty, shall be paid to the exporter: provided that no sum less than one rupee shall be refunded.

18. Goods liable to pay Octroi which are brought
Storage of dutiable goods within Municipal limits, and which the
within Municipal limits, owner desires to place in bond, shall be received into storehouses provided by the Municipality.

19. In return for the accommodation provided in the bonded warehouse a fee of three pies for every bale or package weighing not more than six maunds, shall be charged for the first seven days. If the goods be not removed at the expiration of first seven days, a further fee of three pies will be charged for every subsequent period of seven days during which the goods remain in the bonded warehouse.

20. All fees due for goods stored in the bonded warehouse shall be paid at the time the goods are removed from the godown.

21. All goods stored in the bonded warehouse shall be entered in a register to be kept by the Octroi Darogah, according to the form to be prescribed by the Committee, and the signatures of the owners of the goods stored shall be obtained in this register, both at the time the goods are stored as well as when they are removed. A receipt in the form to be prescribed by the Committee shall also be given to the owner of the goods in bond.

22. The Octroi Darogah shall visit the bonded warehouse daily, at such time as the Committee may see fit to prescribe.

23. A sufficient watch and ward shall be maintained by the Municipal Committee to ensure the safe custody of the goods in bond. Owners will be at liberty to employ their own Chowkidars in addition.

24. All expenditure shall be drawn by cheques signed by the Secretary, and countersigned by the Chairman. In the absence of the Chairman the cheques shall be countersigned by the Vice-President and one member of the Committee.

Authority on which money
may be paid from the
Municipal Fund.

25. All cheques, except those drawn on account of establishment charges, shall bear on their face the number and date of Committee's Resolution, or other lawful authority, authorising the disbursement to which they relate.

26. Whenever a Committee, by a majority of votes, determines to transfer by sale or otherwise any immovable property vested in it, a report, with a map or other general description, shall be submitted by the Chairman to the Commissioner through the District Magistrate, and information shall be given on the following points:—

Conditions on which property vested in the Committee may be transferred by sale, mortgage, lease, exchange, or otherwise.

- (a) The date and purpose of investment of such property, and the conditions under which the investment holds good ;
- (b) The reason for the proposed transfer, and,
- (c) Proposals for dealing with the consideration to be received for such transfer.

27. No such transfer shall be made without the sanction of the Chief Commissioner, provided that leases for any period not exceeding three years may be granted by a Committee on its own authority, by resolution passed at a General Meeting.

28. No person shall be appointed as Engineer, Filling offices requiring professional skill. Assistant Engineer, or Overseer to a Municipality without the sanction of the Chief Commissioner, unless he is professionally qualified for such appointment according to the rules prescribed by the Public Works Department.

29. No person shall be employed to transact the legal business of a Committee unless he shall be qualified as a Barrister, Advocate, Pleader, or Mukhtar: provided that the Committee may, for special reasons to be recorded, entrust the conduct of criminal prosecutions and ordinary civil suits to the Secretary or any other member of their staff.

30. All correspondence between the Chief Commissioner and Committee, and all representations addressed to the Chief Commissioner, shall pass in every case through the District Magistrate and the Commissioner, and all communications on Municipal matters from individual members of a Committee to the officers of Government shall pass through the Chairman.

31. The Committee may execute all original works, and repairs involving an outlay of less than Rs. 1,200 sanctioned at a general meeting: provided that no such works involving an expenditure exceeding Rs. 200 shall be undertaken until the estimate and plans, if any, shall have been approved by the Executive Engineer. The Committee may, when they think necessary, refer to the Executive Engineer for his opinion, estimates, and plans, if any, involving expenditure under Rs. 200.

32. In cases of emergency the Standing Sub-Committee, if there be one, shall have authority to incur expenditure to an amount not exceeding Rs. 100. In similar cases the Chairman shall have authority to incur expenditure to an amount not exceeding Rs. 200. All cases in which expenditure is incurred under this rule shall be reported to the Committee at the next General Meeting.

33. All plans and estimates recommended by a Committee for works not herein-before provided for, shall be sanctioned in conformity with the following rules:—

(a).—If the estimates do not exceed Rs. 2,500, the Commissioner will sanction them on the advice of the Executive Engineer, who should always sign the estimates and plans in token of approval.

(b).—If the estimates exceed Rs. 2,500, but do not exceed Rs. 5,000, they will be sanctioned by the Commissioner on the advice of the Superintending Engineer, who should always sign the estimates and plans in token of approval.

(c).—Estimates exceeding Rs. 5,000 will be referred to the Chief Commissioner in the Public Works Department.

34. As a rule no expenditure shall be incurred for which there is no provision in the Budget Provision. Budget Estimate, sanctioned by the Chief Commissioner, until a re-appropriation of the Budget credits has been authorized: provided that re-appropriations to the extent of Rs. 1,000 from one head of the budget to another may be made on the authority of the Committee, by a Resolution recorded at a General or Special Meeting.

35. The Committee shall carry out such detailed instructions in the matter of accounts as may be issued by the Chief Commissioner from time to time.

36. The Committee shall keep up a Cash-Book and a Ledger, in the forms hereto annexed, or as may hereafter be prescribed by the Chief Commissioner.

37. In the Cash-Book every item of receipt and expenditure shall be regularly entered, and the Cash-Book shall be balanced monthly.

38. The receipts and charges shall be regularly posted under the prescribed headings in the Ledger.

39. All receipts and charges shall be entered in gross in the monthly accounts.

40. An abstract of the monthly accounts shall, after verification and audit, be noted by
Publication of Accounts. the Committee in their proceedings.

41. The audit of all Public Works charges executed
Audit of Public Works charges. through the Executive Engineer shall be made by the Examiner of Public Works Accounts.

42. The Committee shall be responsible for seeing—
Committee's responsibility for expenditure

- (1) that the expenditure is incurred on objects authorized by the Regulation,
- (2) that it is not in excess of the power of the Committee, and
- (3) that it is supported by proper authority.

43. Any inhabitant of the town whose name is duly borne on the list of electors may,
Inspection of accounts by Municipal tax-payer. on requisition sanctioned by the Chairman and any two elected members of the Committee, or under an order from the District Magistrate, apply for such information regarding the accounts as he may require, and, if necessary, inspect the accounts : provided that such inspection shall be made during office hours and without detriment to the despatch of business.

44. The Committee shall annually, on or before the 1st November, prepare in duplicate, Budget Estimates. and submit to the Commissioner through the District Magistrate, an estimate of income and expenditure for the twelve months commencing on the 1st April following.

45. The budget shall be drawn up in the forms hereto annexed, or in such other forms as may be prescribed by the Chief Commissioner from time to time, and shall be considered and passed by the Committee at a Special Meeting held on or before the 15th October.

46. The budget shall be accompanied by a statement showing the original works which the Committee proposes to execute during the year, the plans and estimates for which shall have previously been approved and sanctioned by a competent authority.

47. The Committee shall also at the same time draw up and forward to the Commissioner, through the District Magistrate, a brief memorandum illustrating and explaining the budget figures, so as to enable him to examine and criticise the proposals.

48. The budget will be reviewed by the Commissioner, and shall be forwarded to the Chief Commissioner for sanction.

49. The Committee shall, as soon as possible after Returns, statements, and reports, to be submitted by the Committee. the close of each official year, prepare returns for that year showing (1) population within the Municipal limits, (2) the accounts of the income, expenditure, balances, outstandings, and liabilities of the Municipal Fund, and (3) statistics of Octroi

taxation. Copies of these returns shall be sent through the District Magistrate to the Commissioner for transmission to the Chief Commissioner not later than 1st June.

50. In addition to the returns above prescribed, each Committee shall submit in like manner, for the information of the Chief Commissioner, a report of its proceedings during the previous official year under the following heads, namely :—

- (a) —Revision of boundaries and bye-laws, with sanction for the same.
- (b) —Estimated number of regular consumers, such as pilgrims, visitors to fairs &c., not included in the population reported in the returns and the statistics on which the estimate is founded.
- (c).--TAXATION. Taxes levied during the year, with authority for new imposts income from and incidence of total taxation as compared with previous year and causes of variation. Review of the working of the Octroi tax, its incidence on the population per head in such classes of dutiable goods as food, fuel, cloth, metals, or any trade that may be the staple of the place; the mode of collecting it, whether direct or by lease, and the percentage of the cost of collection as compared with the income, refunds of Octroi and their causes, explanation of excessive consumption of dutiable articles per head, as shewn by the return of Octroi taxation; the effect of Octroi on trade, revisions for Octroi schedules, and the bonded warehouse system.

- (d).—Notice of other sources of income under the heads given in the return of income with explanations of any increase or decrease as compared with previous years.
- (e).—EXPENDITURE.—Comparison with the budget and the expenditure of previous years under each of the main heads given in the return of expenditure; cause of any notable increase or decrease.
- (f).—ADMINISTRATION. Notice of operations, progress and principal public works under each head of the same return.
- (g).—Liabilities incurred during the year, and outstanding at its end.
- (h).—Management of Nazul properties entrusted to the Committee.
- (i).—Miscellaneous remarks not falling under the heads above-mentioned, *e.g.*, development of any branch of industry, special exertions, and frequency of attendance of members of the Committee, number of meetings, &c.

51. The Committee shall from time to time furnish such statistics or information appertaining to the Municipal Fund and its management as may be called for by the Chief Commissioner or the Commissioner.

52. Every public notice given by the Committee under the Ajmere Municipalities Regulation, 1886, and every order made under Section 131 or 135 of the same shall be published in the manner provided in the next following rule, and

Publication of Notices.

shall also be affixed in different parts of the municipality in at least five conspicuous places accessible to the public other than the place of meeting of the Committee.

53. An abstract of the minutes of each meeting of the Committee, and a copy or draft, as the case may be, of all rules proposed to be made or sanctioned by the Committee, under the Municipalities Regulation, 1886, shall remain affixed for not less than 30 days in some conspicuous spot accessible to the public, at the place of meeting of the Committee ; and if a newspaper is published within the limits of the District, a copy of the abstract shall be supplied to the Editor of the paper.

54. It shall be the duty of the Executive Engineer, Civil Surgeon, and the District Superintendent of Police to attend meetings of the Committee if requested so to do, by notice issued to them under the signature of the Chairman or Secretary to the Committee, and when their official duties admit of such attendance.

55. No question touching public works, sanitation, or police, in which the officers mentioned in the preceding rule are interested in their official capacity, shall be considered and disposed of at any General or Special Meeting of the Committee, or at any meeting of a Sub-Committee until due notice of the time and place of such meeting has been duly given to the public officer concerned ; and, unless the matter is urgent, no such question shall be finally disposed of until such public officer has been heard regarding it.

56. In addition to the records required to be maintained by the Regulation, or by these rules, the following general records shall be maintained by every Committee, *viz* :—

Additional Records.

- (a).—Map of the Municipality.
- (b).—Register of correspondence.
- (c).—List of establishments employed.
- (d).—List of roads and of buildings maintained by the Committee.
- (e).—List of Schools, Dispensaries, Hospitals, and other institutions maintained partly or wholly by the Committee.
- (f).—List of immovable property belonging to or under the management of the Committee.
- (g).—Store-book of furniture, books, fittings, machinery, implements, and materials—the property of the Committee

[Irrigation.]

provided and appointed under these rules, shall, three weeks previous to the opening of the sluices, draw up a list of the fields in the order in which they are to get water, and furnish each lumberdar with a copy of the same. Provided that nothing in this or any other rule shall, without the order of the Commissioner, interfere with, or change any arrangements made in this behalf at settlement.

26. All applications for water from tanks of the 1st class shall be in writing, and shall state specifically the period for which the water is required, and no change in such application, except in the form of an amended written one, shall be permitted. Such applications need not be delivered in person, but must be signed by the applicant. They may be on unstamped paper.

27. No order granting water passed on any such application shall, unless it specifically states the reverse, remain in force after the 31st March immediately succeeding the date of the order. Water required after that date and before the next succeeding autumn harvest may be given by the Assistant Commissioner on the terms laid down in Rule 4 (a) for ordinary spring crops, and without additional payment in the case of crops paying a yearly rate.

Except for sugar-cane or garden produce, no land shall be entitled to more than three waterings and a sowing watering in the spring harvest.

28. Water shall not be given to any land commanded by a well held in the same interest as the land, except for special reasons to be recorded by the authority granting the water.

29. Water shall not be taken before day-light or after dark, without special permission of the administering authority.

30. When so ordered, fields must be divided into beds of not more than 100 to the bigha before water is admitted.

31. The outlets from Government tanks are the property of Government.

In tanks of the 1st class, where cisterns have been made outside these outlets, cultivators shall regulate their supplies from such cisterns, and no one, save an official properly authorised by the Assistant Commissioner, shall open or close the outlets.

Irrigation.]

In tanks of the 2nd, 3rd, and 4th class the outlets shall be opened and closed only by some one duly authorised by the Panchayet.

32. Where the Assistant Commissioner decides that a new water-course should be constructed through the lands of one cultivator to irrigate those of another, or where he decides that the water-course of one cultivator should, under any conditions which may seem equitable, be used for the conveyance of water by another cultivator who was not a party to its construction, such order shall not be carried out until the lapse of the period hereinafter prescribed for appeal to the Commissioner, nor, if appealed against, until the Commissioner's decision is received.

33. Whenever a dispute arises as to the use, maintenance, or construction of any water-course by persons having or claiming to have rights in the same, the order of the officer determining the dispute shall be final as regards the irrigation of any crops then standing, but shall be subject to an appeal as regards future harvests.

34. Either with or without the consent of the Panchayet, the Assistant Commissioner may appoint a watcher or watchers to tanks of the 2nd, 3rd, and 4th class. These watchers shall be paid by the persons using tank water in proportion to the water-rate paid by them. Provided that no such appointment or appointments shall relieve the Panchayet of the tank of its responsibility.

35. Subject to such orders as may be issued from time to time under Rules 58 (*h*) and 59 (*b*), cultivators shall regulate their own supply of water, and shall be responsible for any waste of water, by whomsoever occasioned, taking place on days when they are irrigating at openings or in watercourses which are in their power and usually opened, closed, or used by them; also for any waste occasioned by neglect to properly close any watercourse when ceasing to irrigate from it. The authorised distribution of water must not be interfered with, nor must the water be used in any way not authorised by these rules.

36. In tanks of the 2nd, 3rd, and 4th class, when disputes as to the distribution of water arise, the principle to be observed in dealing with such disputes is, that land demarcated as tank land at the current assessment and paying a higher soil rate for the advantage of its position, has the prior claim to water; and that in years of failure of the rain the land nearest the tank should, *ceteris paribus*, be preferred to that further off.

D.—Repairs of tanks, ducts, and water-courses, and of works connected therewith. [Regulation, Section 4 (1) (d.)]

37. For facility of supervision of repairs the Chief Commissioner may divide the tanks of the district into such number of circles as he may deem fit, and may from time to time vary such division.

38. With reference to Rule 60 (e) and (f), in tanks of the 1st class, the lumbaradar of the village taking water, and in those of the 2nd, 3rd, and 4th classes, the Punchayet (acting through its head member), is responsible that all water-courses are kept in proper repair by their owners, and that no water is allowed to pass into any water-course which is not in a fit state of repair. The Assistant Commissioner may, if he deems it necessary, cause any repair to such water-courses to be executed, and the cost of such repair shall be recovered from the owners in the manner provided for the recovery of arrears of land revenue.

39. In tanks of the 4th class the Punchayet shall be responsible for carrying out all repairs; should such repairs be neglected, the Assistant Commissioner may, either on the complaint of a sharer or of his own motion, cause such repairs to be executed, and the cost of such repairs shall be recovered in the manner provided for the recovery of arrears of land revenue. Provided that this rule shall not authorise altering the capacity of any tank unless the majority of those taking water are willing to pay for the cost of such alteration and to meet the charges for maintenance of the tank in its altered condition.

40. Water-courses must be kept in proper repair by their owners, and water shall not be admitted into a water-course which is not in a fit state of repair.

41. Water-courses must, when deemed necessary by the Assistant Commissioner, be provided with proper regulators at their heads, of such pattern as may be directed.

42. Water-courses must be provided with culverts and other masonry works of such pattern as may be directed, wherever necessary, for the prevention of waste of water.

43. In case of failure by the owners to comply with any order issued under Rules 40, 41, and 42, or at the request of the owners, necessary repairs to or works on water-courses may be executed by Government and the cost recovered from the owner or owners of the water-courses.

Irrigation.]

44. Cutting grass, or grazing cattle, or cutting or injuring trees on the embankment of any Government tank, without due authority, is prohibited.

E.—Requisition of and the rates to be paid for labour in cases of serious emergency threatening sudden and extensive public injury. [Regulation, Section 4 (1) (e)]

45. When any tank is maintained by Government, the Chief Commissioner may, if he think fit, order the Commissioner to prepare a list of such villages as are benefited by such work, and such list shall set forth by name or office the person in each village to whom the requisition described in the rule next following is to be addressed, and shall further show the number of labourers to be supplied by each village in the case of emergent repairs

46. On the occurrence of any case involving danger to the existence of the irrigation work, the administering authority, as described in Rule 49, shall address a written requisition to the person in each village to whom such requisition is to be sent, and such person shall thereupon be bound to at once supply his quota of labour for the repair of the work.

47. Such labour shall be paid for at the ordinary rates in force in the neighbourhood, eight hours' work being considered a full day's labour. Provided that every man called on to the work shall be entitled to claim one day's pay. Requisitioned labour shall be kept on the work until all danger to the tank has ceased.

48. In the case of tanks of the 1st class, when the delay of a reference to the administering authority would involve danger to the existence of the work, the person in local charge, whether circle subordinate, munshi, or chaukidar, shall requisition the labour under the terms of Rule 46 above, reporting his action at once to the tehsildar for the information of the Assistant Commissioner.

F.—The person by whom, and the time, place, or manner at or in which anything for the doing of which provision is made in any rule, under the Regulation is to be done. [Regulation, Section 4 (1) (f).]

49. Tanks of the 1st class shall be administered under the orders of the Assistant Commissioner who shall be the administering authority.

[Irrigation.]

Tanks of the 2nd, 3rd, and 4th classes shall, subject to the general control of the Assistant Commissioner, be administered by a Punchayet of the village or villages using the water of such tanks, and such Punchayet shall be the administering authority of the same. Punchayets appointed for the purposes of these rules shall be tank Punchayets and not village Punchayets, and for executive purposes they shall be considered to be represented by their head member. The Punchayets shall, except where these rules provide otherwise, report all matters to the Executive Engineer or other officer appointed to act under Rule 59.

50. The Punchayet shall be elected subject to the approval of the Assistant Commissioner, and shall consist of not less than three or more than seven members, who shall be landowners using the tank water. The head member shall be the lumberdar of the village, or if there be more than one lumberdar, or more than one village using the water, the head member shall be chosen by the other lumberdars, and if there be a contest, that lumberdar shall be chosen who is supported by the largest water-rate-paying interest. Provided that in all cases the lumberdar chosen must himself have the right of using the tank water.

51. The other members of the Punchayet must be water-rate payers, and they shall be elected by the landowners who use the tank water; and in case of contest, those sharers shall be chosen who are supported by the largest water-rate-paying interest.

52. The members of the Punchayet shall continue in office for two years, one-half being elected every May.

53. The Chief Commissioner shall prescribe periodical statements and forms for keeping accounts and reporting results, and may from time to time vary such statements and forms. The Chief Commissioner shall also prescribe the persons by whom, the date on which, and the channels through which, they are to be submitted.

The statements to be submitted under this rule until further orders are published as Appendix A to these Rules.

54. The patwari of the circle shall prepare such statements or returns of irrigation as may from time to time be prescribed.

55. The Punchayets shall supply to the patwaris of the circles concerned such information as the patwaris may require to enable them to prepare the statements and returns referred to in rule 54.

Irrigation.]

56. Any officer acting under Rule 59 shall bring to the notice of the Assistant Commissioner, without delay, any matter regarding the operation of these rules which may come to his notice, and with which he himself is not competent to deal. All action taken under this rule must be duly recorded and reported. In the settlement of disputes, the reasons for the decision must be recorded as well as the order, and no penalty may be inflicted without the evidence being duly recorded in proper form for transmission to the Assistant Commissioner; and all officers empowered to settle disputes shall prepare a record of their proceedings.

It shall further be the duty of the Executive Engineer or other officer appointment under Rule 57 (g) to promptly report to the Assistant Commissioner any serious accident or other important occurrence likely to endanger the revenue or cause injury which may come to his notice

G.—Powers, duties, and proceedings of any officer or other person who by any such rule is empowered or require to take action in any matter.
[Regulation, Section 4 (1) (g)]

57. The Commissioner shall have power—

- (a) To suspend any water revenue or other dues payable under these rules.
- (b) To make remission under Rule 23.
- (c) To sanction the refund of collections made through any error.
- (d) To veto or modify any arrangements made in respect of distribution of water of 2nd, 3rd, and 4th class tanks which would interfere with any arrangements made in this behalf at settlement
- (e) To supervise the proceedings of his subordinates, and to review, modify, or reverse any orders passed by them, whether on appeal or otherwise.
- (f) To entertain and dispose of appeals admissible under the rules from the orders of the Assistant Commissioner.
- (g) To authorise other officers at his direction to exercise all or any of the powers conferred on the Executive Engineer by Rule 59.

58. The Assistant Commissioner shall have power :—

- (a) To assess under these rules water revenue on lands watered from tanks of the 1st and 2nd classes.
- (b) To assess lands irrigated from wells and lifts under the provisions of Section 3 of the Ajmere Irrigation Regulation, 1887.
- (c) To impose a punitive rate on lands liable to penalty under Rule 11.
- (d) To impose a rate under Rule 12 on uncultivated land flooded by neglect.
- (e) To decide claims to exemption from water revenue on any ground under these rules.
- (f) To decide disputes as to liability for payments of water revenue between sharers or persons having different interests in the land.
- (g) To suspend demand, subject to the orders of the Commissioner, and to recommend remissions.
- (h) To distribute the water of tanks of the 1st class, and decide disputes as to the distribution of water under these rules between cultivators and villagers in tanks of the 2nd, 3rd, and 4th classes.
- (i) To sanction, or refuse for reasons recorded, irrigation to any land from a tank of the 1st class, and to direct the opening and closing of the sluices of the same.
- (j) To direct the cultivators to put regulators, culverts, or other necessary works in water-courses, or to execute necessary repairs to water-courses (*vide* Rules 40-42), and in case of failure by the owners to carry out any such order, to cause the work to be executed and to recover the cost; and to cause the execution of repairs to 4th class tanks and the recovery of the cost under Rule 38.
- (k) To direct the cultivators to divide their fields into a specified number of beds, not more than 100 to the bigha.
- (l) To decide disputes regarding use, maintenance, construction, or repairs of water-courses, and to apportion the cost of the same under these rules.

Irrigation.]

- (m) To order, or sanction, the appointment of watchers over any Government irrigation work.
- (n) To arrange for the appointment of tank Punchayets, and to supervise their proceedings under these rules.
- (o) To requisition labour under these rules in the case of emergent repairs necessary to provide against sudden and extensive public injury.
- (p) To refer cases pending before him to any officer appointed for the purpose under Rule 57 (g), and to withdraw cases pending before such an officer, and try them himself.
- (q) To review, modify, or reverse on appeal or otherwise any order issued by the Executive Engineer or other officer acting under Section 59 of these rules, and to call for the records of any case provided that in any case in which the Assistant Commissioner reverses or modifies any such order, a further appeal shall lie to the Commissioner, whose decision shall be final.

59. The Executive Engineer shall have power—

- (a) To investigate and report for the orders of the Assistant Commissioner cases under Rule 12 (unculturable land flooded by neglect).
- (b) To investigate and decide cases of disputes as to the distribution of water. To investigate and decide, subject to appeal to the Assistant Commissioner, objections to assessment under Rule 8.
- (c) To sanction, or refuse on cause recorded, irrigation to any land from a tank of the 1st or 2nd class, and to direct the opening and closing of the sluices of any such tank.
- (d) To direct the cultivators to divide their fields into a specified number of beds, not exceeding 100 to the bigha.
- (e) To decide disputes regarding construction, use, maintenance, or repairs of water-courses, and to apportion the cost of the same under these rules.
- (f) To order or sanction the appointment of watchers over any Government irrigation work.
- (g) To arrange for the appointment of tank Punchayets, and supervise their proceedings under these rules.

[Irrigation.]

- (h) To requisition labour under these rules in the case of emergent repairs necessary to provide against sudden and extensive public injury.

60. The duties which devolve on tank Punchayets are—

- (a) To watch the embankments and other works of the tank or tanks from which the village or villages irrigate. And in case of a breach occurring or appearing imminent, which endangers their existence, to summon all the able-bodied cultivators taking water from the tank or tanks to assist in repairs
- (b) To inspect the embankments, sluices, and other works before the rains, and see that the sluices are properly closed.
- (c) To guard trees or other Government property on or near the embankments, and to notice damages done to embankments and other works by the trees on or near them.
- (d) To fix the dates of opening and closing of the sluices.
- (e) To prevent the waste of water, and arrange that the sluices are properly closed at nights and at times when water is not required for irrigation.
- (f) To see that water-courses are made and kept in repair, and that no avoidable waste occurs in them
- (g) Before the commencement of irrigation, to draw up a list of fields in the order in which, according to acknowledged custom, they are to get water, and regulate the distribution accordingly.
- (h) In case of tanks of the 2nd and 3rd classes, to report to the Irrigation officer without delay—
 - (i) All weakness or faults in the embankments or sluices, and all repairs required to embankments, sluices, or ducts.
 - (ii) Cases of leakage during the rains.
 - (iii) That the sluices have been properly closed before the rains.
 - (iv) All cases of damage, either wilful or accidental, to Government property.
- (i) To supply to the patwaries of the circle concerned such information as they may require for preparing the statements and returns referred to in Rule 54.

Irrigation.]

Duties of Patwaries.

61. The patwari shall—

- (a) Prepare the record of waterings for purposes of Rule 16 (4)
- (b) Prepare such statements or returns of irrigation as may from time to time be prescribed.
- (c) Enter in his diary the dates of opening and of closing the sluices of the 1st and 2nd class tanks, the date on which the weir overflowed, the height to which, and the period for which it ran, and the date on which water fell below sluice level.
- (d) Keep a daily record of the fields taking water from tanks of the first and second classes, and shall produce, when required, his records for the inspection of officers acting under Rule 59
- (e) Note in his diary sanctions or refusals of irrigation to any land from tanks of the first or second class.
- (f) And report to the Assistant Commissioner cases of unculturable land flooded by neglect.

H.—The cases in which, and the officers to whom, and the conditions subject to which, orders passed under any rules shall be appealable.

62. Except where it is otherwise provided, every order of the Assistant Commissioner passed under these rules may be appealed against to the Commissioner.

63. Except where it is otherwise provided, every order passed by an officer acting under Rule 59 may be appealed against to the Assistant Commissioner.

Provided that appeals referred to in the foregoing rules shall be accompanied by a copy of the order appealed against, and shall be presented within fifteen days of the order appealed against.

64. Any person aggrieved by an order of the Commissioner may appeal to the Chief Commissioner :

Provided that a copy of the order appealed against shall accompany the appeal, and that it shall be presented within one month of the date of the order appealed against.

[Irrigation.]

65. There shall be no second appeal in cases where the order of the Court of first instance is upheld on appeal.

66. Nothing in Rules 57-65 shall affect the application of the provisions of the Code of Criminal Procedure, 1882, to trials for breaches of rules under the Ajmere Irrigation Regulation, 1887, and to appeals from and the revision of judgments passed in such trials.

I.—The exercise of the right of Government to the exclusive use and control of the water of rivers and streams flowing in natural channels and of natural collections of water, in so far as the Chief Commissioner may deem the exercise of that right to be necessary for the purposes of this Regulation. [Regulation Section 4 (1) (i)]

67. Whenever a case of interference on the part of a person or persons with the water of rivers or streams flowing in natural channels, and of lakes or other natural collections of still water, which the Government is entitled to use and control for public purposes, comes to the notice of the Assistant Commissioner, he may issue an order forbidding or limiting such interference.

J—Penalties under Regulation, Section 4 (2)

68. The following acts and omissions shall render the persons guilty of them to the penalties given in Section 4 (2) of the Ajmere Irrigation Regulation, 1887:—

- (1) Damaging or obstructing, or without due authority constructing, altering, or enlarging any tank or irrigation work, or any part thereof.
- (2) Without due authority interfering with, increasing or diminishing, the flow of water in any duct.
- (3) Being responsible for the maintenance of, or using, a water-course, and neglecting to take proper precaution for the prevention of waste of water in the same, or interfering with the authorised distribution of water, or using such water in an unauthorised way or at an unauthorised time.

Irrigation.]

- (4) Without due authority cutting grass or grazing cattle, or cutting or injuring trees, on the embankment of any Government tank.
 - (5) Neglecting to divide fields into the requisite number of beds when so ordered.
 - (6) Being responsible for the supply of requisitioned labourers and without due cause failing to supply or assist in supplying the same.
 - (7) Being a labourer so requisitioned and without due cause neglecting to work.
 - (8) Destroying, injuring, or removing any level or survey marks, or water-gauge affixed by due authority, or neglecting to construct a regulator when so ordered, or enlarging, altering, or obstructing the same
 - (9) Being a lumberdar or member of a Panchayet appointed under these rules, and neglecting to perform the duties imposed on him by these rules, or by any other lawful authority.
 - (10) Neglecting to comply with an order issued by the Assistant Commissioner under Rule 67.
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APPENDIX A.

Under Section 53 of the Ajmere Irrigation Rules, the Chief Commissioner declares as follows:—

1 The following statements are to be submitted half-yearly on or before July 10th and January 10th, by the Assistant Commissioner to the Commissioner.—

STATEMENT NO. 1 —*Half-yearly Return.*

STATEMENT NO. 2 —*Suspensions and Remissions.*

The following statements are to be submitted every year by the Assistant Commissioner to the Commissioner on or before August 15th:—

STATEMENT NO. 3 —*Annual rent of irrigation and collections*

STATEMENT NO. 4 —*Abstract of expenditure.*

STATEMENT NO. 5 —*Crops grown, for each class of tank.*

STATEMENT NO. 6 —*Experimental cuttings of crops.*

STATEMENT NO. 7.—*Return of wells under new tanks.*

Exemplars of these statements are given in Appendix I.

2. Of these statements, Nos 1, 3, 5, 6, 7, shall be forwarded annually, not later than September 1st, by the Commissioner, with his annual report, to the Secretary to the Chief Commissioner in the Public Works Department.

3 The Assistant Commissioner or Irrigation officer shall keep a daily cash-book for tanks of the 1st and 2nd classes in the form given in Appendix II. This cash-book shall be compared and signed monthly by the Treasury Officer, and after each of such comparisons, a translation of that part which refers to tanks of the 1st class shall be furnished to the Deputy Examiner of the Public Works Department, through the Commissioner.

APPENDIX I.

AJMERE-MERWARA IRRIGATION.—Statement No. 1.—Half-yearly Return.

Tank.	Village.	ACTUAL AREA TO BE ASSESSED.										Remarks, including date of the weir running, area receiving a sowing watering only, and that watered once, twice, or fully watered.			
		Not irrigated.	IRRIGATED.						Acreage of previous years.	Total demand.	Amount let off.		Amount collected.	Arrears.	
			Well.	Tank.	Other.	TOTAL.									
						Flow.	Lift.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

AJMERE-MERWARA IRRIGATION.—Statement No. 2.—Suspensions and Remissions.

Tank.	Village.	Area Injured	Amount remitted or to be remitted.	Amount suspended.	Remarks including reasons for remissions and suspensions.
1	2	3	4	5	6

AJMERE-MERWARA IRRIGATION.—Statement No. 3.—Annual Return of Irrigation and Collections.

Tank.	Village.	Standard settlement assessment, if any.	Area Irrigated.			Amount due				Arrears of previous years.	Total	Amount remitted	Amount collected.	Still due	DETAIL OF COLLECTIONS.						DETAIL OF CREDIT.			REMARKS.	24
			Kharif.	Rabi.	Total.	Kharif.	Rabi.	Miscellaneous.	Total.						Water revenue.	Meat and bhumi paying privileged rates	Fishes.	Fines	Miscellaneous	Water revenue.	Public Works.	Personal ledger.			
1		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23			

AJMERE-MERWARA IRRIGATION.—Statement No. 4.—Abstract of Expenditure.

1	Class of tank.	2	Lumberdar's fees paid	3	Pay of establishment.	4	Travelling allowance	5	Contingent charges.	6	Total.	7	REMARKS.
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Irrigation.]

AJMERE-MERWARA IRRIGATION.—Statement No. 5.—Crops grown for each class of tank.

	Harvest.	Crop.	Area	Produce per acre.	Total produce.	REMARKS.
1	2	3	4	5	6	

AJMERE-MERWARA IRRIGATION.—Statement No. 6.—Experimental cutting of Crops.

Tank.	Village.	Name of cultivator.	Harvest and area of field.	Area cut.	Distance of field from tank	Whether irrigated life or flow, and number of waterings	Weight of grain cut	Weight of straw cut	PRODUCE OF ACRE.		VALUE PER ACRE			Deduct expenditure	Profit.	REMARKS.
1	2	3	4	5	6	7	8	9	Grain.	Straw.	Grain	Bhusa.	Total.	15	16	17

AJMERE-MERWARA IRRIGATION.—Statement No. 7.—Return of Wells for New Tanks.

Tank.	Village.	Number of wells affected.	Number of old wells.	Number of new wells.	Average distance of wells from tank.	Average depth of wells.	Average depth to water this year.	Area irrigated.			REMARKS
								Kharif.	Rabi.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12

APPENDIX II.

AJMERE-MERWARA IRRIGATION.—Cash Book

CREDIT.										DEBIT.						
Date.	Water revenue.	Collections from mugh and khum at privileged rates.	Fisheries.	Fines.	Miscellaneous.	How Credited			REMARKS.	Date	Cost of collection	Pay of establishment	Travelling allowance	Contingent charges.	Total.	REMARKS
						Water revenue.	Public Works.	Personal ledger.								
1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7

[Irrigation.]

PART VII.

Acquisition of Land for Companies.

SECTIONS.

- 38. Company may be authorized to enter and survey.
- 39. Previous consent of Local Government and execution of agreement necessary.
- 40. Previous enquiry.
- 41. Agreement with Secretary of State in Council.
- 42. Publication of agreement.
- 43. Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies.
- 44. How agreement between Railway Company and Secretary of State may be proved.

 PART VIII.
Miscellaneous.

- 45. Service of notices.
 - 46. Penalty for obstructing acquisition of land.
 - 47. Magistrate to enforce surrender.
 - 48. Completion of acquisition not compulsory, but compensation to be awarded when not completed
 - 49. Acquisition of part of house or building.
 - 50. Acquisition of land at cost of a local authority or Company.
 - 51. Exemption from stamp-duty and fees.
 - 52. Notice in case of suits for anything done in pursuance of Act.
 - 53. Code of Civil Procedure to apply to proceedings before Court.
 - 54. Appeals in proceedings before Court.
 - 55. Power to make rules.
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Land Acquisition.]

ACT No. I of 1894.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 2nd
February, 1894.)*

An Act to amend the law for the acquisition of land for public purposes and for Companies.

WHEREAS it is expedient to amend the law for the acquisition of land needed for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:—

PART I.

PRELIMINARY

1. (1) This Act may be called the Land Acquisition Act, 1894.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of March, 1894.

2 (1) The Land Acquisition Act, 1870, and section 74 of the Punjab Courts Act, 1884, are hereby repealed.

(2) But all proceedings commenced, officers appointed or authorised, agreements published and rules made under the said Land Acquisition Act, shall, as far as may be, be deemed to have been respectively commenced, appointed or authorised, published and made under this Act.

(3) Any enactment or document referring to the said Land Acquisition Act or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

3. In this Act, unless there is something repugnant in the subject or context;—

(a) The expression "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth:

(b) The expression "person interested" includes all persons claiming an interest in compensation to be made on account of the

[Land Acquisition.]

acquisition of land under this act ; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land:

- (c) The expression "Collector" means the Collector of a district, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:
- (d) The expression "Court" means a principal Civil Court of original jurisdiction, unless the Local Government has appointed (as it is hereby empowered to do) a special judicial officer within any specified local limits to perform the functions of the Court under this Act:
- (e) The expression "Company" means a Company registered under the Indian Companies Act, 1882, or under the (English) Companies Acts, 1862 to 1890, or incorporated by an Act of Parliament or of the Governor-General in Council, or by Royal Charter or Letters Patent:
- (f) The expression "Public Purpose" includes the provision of village-sites in districts in which the Local Government shall have declared, by notification in the official Gazette, that it is customary for the Government to make such provision and
- (g) The following persons shall be deemed persons "entitled to act" as and to the extent hereinafter provided (that is to say)—trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability.

A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age ; and

The guardians of minors, and the committees or managers of lunatics or idiots, shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted

Land Acquisition.]

Provided that—

- (i) No person shall be deemed "entitled to act" whose interest in the subject-matter shall be shown to the satisfaction of the Collector or Court to be adverse to the interest of the person interested for whom he would otherwise be entitled to act;
- (ii) In every such case the person interested may appear by a next friend, or, in default of his appearance by a next friend, the Collector or Court, as the case may be, shall appoint a guardian for the case to act on his behalf in the conduct thereof;
- (iii) The provisions of Chapter XXXI of the Code of Civil Procedure shall, *mutatis mutandis*, apply in the case of persons interested appearing before a Collector or Court by a next friend, or by a guardian for the case, in proceedings under this Act; and
- (iv) No person "entitled to act" shall be competent to receive the compensation-money payable to the person for whom he is entitled to act, unless he would have been competent to alienate the land and receive and give a good discharge for the purchase-money on a voluntary sale.

PART II.

ACQUISITION.

Preliminary Investigation.

Publication
of preliminary
notification
and powers of
officers there-
upon.

4. (1) Whenever it appears to the Local Government that land in any locality is likely to be needed for any public purpose, a notification to that effect shall be published in the official Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

(2) Thereupon it shall be lawful for any officer, either generally or specially authorised by such Government in this behalf, and for his servants and workmen;—

To enter upon and survey and take levels of any land in such locality;

To dig or bore into the subsoil,

To do all other acts necessary to ascertain whether the land is adapted for such purpose;

[Land Acquisition.]

To set out the, boundaries of the land proposed to be taken, and the intended line of the work (if any) proposed to be made thereon.

To mark such levels, boundaries and line by placing marks and cutting trenches :

And, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence, or jungle.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorised shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector or other chief revenue-officer of the district, and such decision shall be final. Payment damage.

Declaration of intended Acquisition.

6. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that any particular land is needed for a public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer authorized to certify its orders. Declarati that land required for a public purpose.

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid by a Company, or wholly or partly out of public revenues or some fund controlled or managed by a local authority.

(2) The declaration shall be published in the official Gazette, and shall state the district or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose or for a Company, as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

Land Acquisition.]

After declaration, Collector to take order for acquisition.

7. Whenever any land shall have been so declared to be needed for a public purpose, or for a Company, the Local Government, or some officer authorized by the Local Government in this behalf, shall direct the Collector to take order for the acquisition of the land.

Land to be marked out, measured and planned.

8. The Collector shall thereupon cause the land (unless it has been already marked out under section 4) to be marked out. He shall also cause it to be measured, and (if no plan has been made thereof) a plan to be made of the same.

Notice to persons interested

9. (1) The Collector shall then cause public notice to be given at convenient places on or near the land to be taken, stating that the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

(2) Such notice shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests and their objections (if any) to the measurements made under section 8. The Collector may in any case require such statement to be made in writing and signed by the party or his agent.

(3) The Collector shall also serve notice to the same effect on the occupier (if any) of such land, and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

(4) In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post in a letter addressed to him at his last known residence, address or place of business, and registered under Part III of the Indian Post Office Act, 1866.

Power to require and enforce the making of statements as to names and interests.

10. (1) The Collector may also require any such person to make or deliver to him, at a time and place mentioned (such time not being earlier than fifteen days after the date of the requisition), a statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement.

[Land Acquisition.

(2) Every person required to make or deliver a statement under this section or section 9 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Enquiry into Measurements, Value, and Claims, and Award by the Collector.

11. On the day so fixed, or on any other day to which the enquiry has been adjourned, the Collector shall proceed to enquire into the objections (if any) which any person interested has stated, pursuant to a notice given under section 9, to the measurements made under section 8, and into the value of the land, and into the respective interests of the persons claiming the compensation, and shall make an award under his hand of—

- (i) The true area of the land,
- (ii) The compensation which in his opinion should be allowed for the land ; and
- (iii) The apportionment of the said compensation among all the persons known or believed to be interested in the land, of whom, or of whose claims, he has information, whether or not they have respectively appeared before him.

12. (1) Such award shall be filed in the Collector's office, and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and value of the land, and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his award to such of the persons interested as are not present personally or by their representatives when the award is made.

13. The Collector may, for any cause he thinks fit, from time to time adjourn the enquiry to a day to be fixed by him.

14. For the purpose of enquiries under this Act, the Collector shall have power to summon and enforce the attendance of witnesses, including the parties interested or any of them, and to compel the production of documents by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure.

15. In determining the amount of compensation, the Collector shall be guided by the provisions contained in sections 23 and 24.

Enquiry and award by Collector

Award of Collector when to be final.

Adjournment of enquiry.

Power to summon and enforce attendance of witnesses and production of documents.

Matters to be considered and neglected.

Land Acquisition]

Taking Possession.

Power to
take posses-
sion.

16. When the Collector has made an award under section 11, he may take possession of the land, which shall thereupon vest absolutely in the Government, free from all encumbrances.

Special
powers in
cases of
urgency.

17. (1) In cases of urgency, whenever the Local Government so directs, the Collector, though no such award has been made, may, on the expiration of fifteen days from the publication of the notice mentioned in section 9, sub-section (1), take possession of any waste or arable land needed for public purposes or for a Company. Such land shall thereupon vest absolutely in the Government, free from all encumbrances

(2) Whenever, owing to any sudden change in the channel of any navigable river or other unforeseen emergency, it becomes necessary for any Railway Administration to acquire the immediate possession of any land for the maintenance of their traffic, or for the purpose of making thereon a river-side or ghat station, or of providing convenient connection with or access to any such station, the Collector may, immediately after the publication of the notice mentioned in sub-section (1) and with the previous sanction of the Local Government, enter upon and take possession of such land, which shall thereupon vest absolutely in the Government, free from all encumbrances:

Provided that the Collector shall not take possession of any building or part of a building under this sub-section without giving to the occupier thereof at least forty-eight hours' notice of his intention so to do, or such longer notice as may be reasonably sufficient to enable such occupier to remove his moveable property from such building without unnecessary inconvenience.

(3) In every case under either of the preceding sub-sections the Collector shall, at the time of taking possession, offer to the persons interested compensation for the standing crops and trees (if any) on such land, and for any other damage sustained by them, caused by such sudden dispossession and not excepted in section 24; and, in case such offer is not accepted, the value of such crops and trees and the amount of such other damage shall be allowed for in awarding compensation for the land under the provisions herein contained.

PART III.

REFERENCE TO COURT AND PROCEDURE THEREON.

Reference to
Court.

18. (1) Any person interested who has not accepted the award, may, by written application to the Collector, require that the matter be referred by

[Land Acquisition.]

the Collector for the determination of the Court, whether his objection be to the measurement of the land, the amount of the compensation, the persons to whom it is payable, or the apportionment of the compensation among the persons interested.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made,—

- (a) If the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award ;
- (b) In other cases, within six weeks of the receipt of the notice from the Collector under section 12, sub-section (2), or within six months from the date of the Collector's award, whichever period shall first expire.

19 (1) In making the reference, the Collector shall state, for the information of the Court, in writing under his hand,— Collector states: the Court

- (a) The situation and extent of the land, with particulars of any trees, buildings, or standing crops thereon ;
- (b) The names of the persons whom he has reason to think interested in such land ;
- (c) The amount awarded for damages and paid or tendered under sections 5 and 17, or either of them, and the amount of compensation awarded under section 11 ; and,
- (d) If the objection be to the amount of the compensation, the grounds on which the amount of compensation was determined.

(2) To the said statement shall be attached a schedule giving the particulars of the notices served upon, and of the statements in writing made or delivered by, the parties interested respectively.

20. The Court shall thereupon cause a notice, specifying the day on which the Court will proceed to determine the objection, and directing their appearance before the Court on that day, to be served on the following persons, namely :— Service of notice.

- (a) The applicant ;
- (b) All persons interested in the objection, except such (if any) of them as have consented without protest to receive payment of the compensation awarded ; and,

Land Acquisition]

(c) If the objection is in regard to the area of the land or to the amount of the compensation, the Collector.

Restriction on
scope of pro-
ceedings.

21. The scope of the inquiry in every such proceeding shall be restricted to a consideration of the interests of the persons affected by the objection.

Proceedings
to be in
open Court.

22. Every such proceeding shall take place in open Court, and all persons entitled to practice in any Civil Court in the province shall be entitled to appear, plead, and act (as the case may be) in such proceeding.

Matters to be
considered
in determin-
ing compen-
sation.

23 (1) In determining the amount of compensation to be awarded for land acquired under this Act, the Court shall take into consideration—

First, the market value of the land at the date of the publication of the declaration relating thereto under section 6;

Secondly, the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collector's taking possession thereof;

Thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of serving such land from his other land,

Fourthly, the damage (if any) sustained by the person interested, at the time of the Collector's taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change, and,

Sixthly, the damage (if any) *bona fide* resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collector's taking possession of the land.

(2) In addition to the market-value of the land, as above provided, the Court shall in every case award a sum of fifteen per centum on such market-value, in consideration of the compulsory nature of the acquisition.

Matters to
be neglected
in determin-
ing compen-
sation.

24. But the Court shall not take into consideration—

First, the degree of urgency which has led to the acquisition;

Secondly, any disinclination of the person interested to part with the land acquired;

[Land Acquisition.

Thirdly, any damage sustained by him, which, if caused by a private person, would not render such person liable to a suit ;

Fourthly, any damage which is likely to be caused to the land acquired, after the date of the publication of the declaration under section 6, by or in consequence of the use to which it will be put ;

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired ;

Sixthly, any increase to the value of the other land of the person interested likely to accrue from the use to which the land acquired will be put, or,

Seventhly, any outlay or improvements on, or disposal of, the land acquired, commenced, made, or affected without the sanction of the Collector after the date of the publication of the declaration under section 6.

25. (1) When the applicant has made a claim to compensation, pursuant to any notice given under section 9, the amount awarded to him by the Court shall not exceed the amount so claimed, or be less than the amount awarded by the Collector under section 11. Rules as to amount of compensation.

(2) When the applicant has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded by the Court shall in no case exceed the amount awarded by the Collector.

(3) When the applicant has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him by the Court shall not be less than, and may exceed, the amount awarded by the Collector.

26. Every award under this Part shall be in writing, signed by the Judge, and shall specify the amount awarded under clause *first* of sub-section (1) of section 23, and also the amounts (if any) respectively awarded under each of the other clauses of the same sub-section, together with the grounds of awarding each of the said amounts. Form of awards

27. (1) Every such award shall also state the amount of costs incurred in the proceedings under this Part, and by what persons and in what proportions they are to be paid. Costs.

(2) When the award of the Collector is not upheld, the costs shall ordinarily be paid by the Collector, unless the Court shall be of opinion that the claim of the applicant was so extravagant or that he was so negligent in

Land Acquisition.]

(2) In all cases of moneys deposited to which this section applies the Court shall order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the Collector, namely :—

- (a) The costs of such investments aforesaid ;
- (b) The costs of the orders for the payment of the interest or other proceeds of the securities upon which such moneys are for the time being invested, and for the payment out of Court of the principle of such moneys, and of all proceedings relating thereto, except such as may be occasioned by litigation between adverse claimants

Investment
of money
deposited in
other cases.

33. When any money shall have been deposited in Court under this Act for any cause other than that mentioned in the last preceding section, the Court may, on the application of any party interested or claiming an interest in such money, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as it may consider will give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such money shall have been deposited or as near thereto as may be

Payment of
interest.

34. When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of six per centum per annum from the time of so taking possession until it shall have been so paid or deposited

PART VI

TEMPORARY OCCUPATION OF LAND.

Temporary
occupation of
waste or ar-
able land. Pro-
cedure when
difference as
to compensa-
tion exists.

35. (1) Subject to the provisions of Part VII of this Act, whenever it appears to the Local Government that the temporary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

(2) The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for

[Land Acquisition.

the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money, or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

(2) In case the Collector and the persons interested differ as to the sufficiency of the compensation apportionment thereof, the Collector shall refer such difference to the decision of the Court.

36. (1) On payment of such compensation or on executing such agreement or on making a reference under section 35, the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

Power to enter and take possession, and compensation on re-
location

(2) On the expiration of the term, the Collector shall make or tender to the persons interested compensation for the damage (if any) done to the land and not provided for by the agreement, and shall restore the land to the persons interested therein:

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term, and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

37. In case the Collector and persons interested differ as to the condition of the land at the expiration of the term, or as to any matter connected with the said agreement, the Collector shall refer such difference to the decision of the Court.

PART VII.

ACQUISITION OF LAND FOR COMPANIES

38. (1) Subject to such rules as the Governor-General of India may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land to exercise the powers conferred by section 4.

(2) In every such case section 4 shall be construed as if "for such purpose" the words "for the purpose of the Company" were substituted; and section 5 shall be construed as if "the officer" the words "of the Company" were inserted.

Land Acquisition.]

Previous consent of Local Government and execution of agreement necessary.

39. The provisions of sections 6 to 37 (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, nor unless the Company shall have executed the agreement hereinafter mentioned.

Previous enquiry.

40. (1) Such consent shall not be given until the Local Government be satisfied, by an enquiry held as hereinafter provided,—

(a) That such acquisition is needed for the construction of some work, and

(b) That such work is likely to prove useful to the public.

(2) Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

(3) Such officer may summon and enforce the attendance of witnesses and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil Court.

Agreement with Secretary of State in Council.

41. Such officer shall report to the Local Government the result of the enquiry, and, if the Local Government is satisfied that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor-General of India in Council may from time to time prescribe in this behalf, require the Company to enter into an agreement with the Secretary of State for India in Council, providing to the satisfaction of the Local Government for the following matters, namely:—

(1) The payment to Government of the cost of the acquisition;

(2) The transfer, on such payment, of the land to the Company;

(3) The terms on which the land shall be held by the Company;

(4) The time within which, and the conditions on which, the work shall be executed and maintained, and

(5) The terms on which the public shall be entitled to use the work.

Publication of agreement.

42. Every such agreement shall, as soon as may be after its execution, be published in the Gazette of India, and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

Sections 39 to 42 not to apply where Government bound by agreement to provide land for Companies

43. The provisions of sections 39 to 42, both inclusive, shall not apply, and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied to the acquisition of land for any Railway or other Company, for the purposes of which, under any agreement between such Company and the Secretary of State for India in Council, the Government is, or was, bound to provide land.

[Land Acquisition.

44. In the case of the acquisition of land for the purposes of a Railway Company, the existence of such an agreement as is mentioned in section 43 may be proved by the production of a printed copy thereof purporting to be printed by order of Government.

How agreement between Railway Company and Secretary of State may be proved.

PART VIII.

MISCELLANEOUS.

45. (1) Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed, in the case of a notice under section 4, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Service of notices.

(2) Whenever it may be practicable, the service of the notice shall be made on the person therein named.

(3) When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business, or by fixing a copy thereof in some conspicuous place in the office of the officer aforesaid, or of the Collector, or in the Court-house, and also in some conspicuous part of the land to be acquired:

Provided that, if the Collector or Judge shall so direct, a notice may be sent by post, in a letter addressed to the person named therein at his last known residence, address or place of business and registered under Part III of the Indian Post Office Act, 1866, and service of it may be proved by the production of the addressee's receipt.

V of
1866.

46. Whoever wilfully obstructs any person in doing any of the acts authorized by section 4 or section 8, or wilfully fills up, destroys, damages or displaces any trench or mark made under section 4, shall, on conviction before a Magistrate, be liable to imprisonment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

Penalty for obstructing acquisition of land.

47. If the Collector is opposed or impeded in taking possession under this Act of any land, he shall, if a Magistrate, enforce the surrender of the land to himself, and, if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

Magistrate to enforce surrender.

Land Acquisition.]

Completion of acquisition not compulsory, but compensation to be awarded when not completed.

48 (1) Except in the case provided for in section 36, the Government shall be at liberty to withdraw from the acquisition of any land of which possession has not been taken.

(2) Whenever the Government withdraws from any such acquisition, the Collector shall determine the amount of compensation due for the damage suffered by the owner in consequence of the notice or of any proceedings thereunder, and shall pay such amount to the person interested, together with all costs reasonably incurred by him in the prosecution of the proceedings under this Act relating to the said land.

(3) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section.

Acquisition of part of house or building.

49 (1) The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building shall be so acquired

Provided that the owner may, at any time before the Collector has made his award under section 11, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building shall be so acquired:

Provided also that, if any question shall arise as to whether any land proposed to be taken under this Act does or not form part of a house, manufactory or building within the meaning of this section, the Collector shall refer the determination of such question to the Court and shall not take possession of such land until after the question has been determined.

In deciding on such a reference the Court shall have regard to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the house, manufactory or building.

(2) If, in the case of any claim under section 23, sub-section (1), *thirdly*, by a person interested, on account of the severing of the land to be acquired from his other land, the Local Government is of opinion that the claim is unreasonable or excessive, it may, at any time before the Collector has made his award, order the acquisition of the whole of the land of which the land first sought to be acquired forms a part.

(3) In the case last hereinbefore provided for, no fresh declaration or other proceedings under sections 6 to 10, both inclusive shall be necessary; but the Collector shall without delay furnish a copy of the order of the Local Government to the person interested, and shall thereafter proceed to make his award under section 11.

[Land Acquisition.]

50 (1) Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any fund controlled or managed by a local authority or of any Company, the charges of and incidental to such acquisition shall be defrayed from or by such fund or Company.

Acquisition of land at cost of a local authority or Company.

(2) In any proceeding held before a Collector or Court in such cases the local authority or Company concerned may appear and adduce evidence for the purpose of determining the amount of compensation:

Provided that no such local authority or Company shall be entitled to demand a reference under section 18.

51. No award or agreement made under this Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

Exemption from stamp duty and fees

52. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends.

Notice in case of suits for anything done in pursuance of Act.

53. Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure shall apply to all proceedings before the Court under this Act.

Code of Civil Procedure to apply to proceedings before Court.

54. Subject to the provisions of the Code of Civil Procedure applicable to appeals from original decrees, an appeal shall lie to the High Court from the award or from any part of the award of the Court in any proceedings under this Act.

Appeals in proceedings before Court.

55. (1) The Local Government shall have power to make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

Power to make rules.

(2) The power to make, alter and add to rules under sub-section (1) shall be subject to the condition of the rules being made, altered, or added to after previous publication.

(3) All such rules, alterations and additions shall, when sanctioned by the Governor-General in Council, be published in the official Gazette, and shall thereupon have the force of law.

Land Acquisition.]

[a] NOTIFICATION No. 806, *dated 23rd November 1878.*

Under section 3, Act X of 1870 [b] (Land Acquisition) the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Assistant Commissioners of Ajmere and Merwara to perform the functions of a Collector under that Act.

[a] See Rajputana Official Gazette, 30th November 1878, p. 268.

[b] The reference should now be read as section 2 [c] of Act I of 1894. (Land Acquisition Act.)

[a] No 526-351, *dated the 19th May 1886.*

Under the provisions of [b] section 7, Act X of 1870 (Land Acquisition), the Chief Commissioner of Ajmere-Merwara is pleased to direct that whenever any land subject to his jurisdiction shall have been declared under the Act to be needed for a public purpose or for a Company, the Commissioner of Ajmere-Merwara may direct the Collector to take order for the acquisition of such land.

[a] See Gazette, of India, part II, dated the 29th May 1886, page 349.

[b] The reference is now to be read as section 7, Act I of 1891 (Land Acquisition Act) by which Act X of 1870 was repealed—see section 2 of the former Act.

Land and Revenue.]

REGULATION No. II of 1877.

THE AJMERE LAND AND REVENUE
REGULATION, 1877.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1. Short title.
Local extent
Commencement.
2. Interpretation clause.

PART II.

OF CERTAIN INTERESTS IN LAND.

(A) — Of certain rights of the Government.

3. Rights of Government in regard to mines and quarries.
4. Rights in regard to tanks.
5. Rights in regard to waters.
6. Use of Government pasturage, &c.

(B) — Of Co-ownership and partition.

7. Rights of villagers or co-owners on lands of village.
8. Partition of common lands of village.
9. Partition of other lands.
10. Application for partition.
11. Notice to be issued.
12. Objection that the applicant is not entitled to share claimed.
13. Revenue-officer to be guided by orders of Civil Court on objection.
14. Other objections how dealt with.
15. Proceedings of Revenue-officer after objections have been disposed of.
16. Mode of making partition.
17. Order of partition when to be carried out.
18. Notification on completion of work.
Date of taking effect.
19. Costs of partition.

[Land and Revenue.

(C).—*Of Istimrari Estates.*

SECTION 9.

20. "Istimrari Estate" defined.
"Istimrardar" defined.
21. Tenants on istimrari estates
22. Alienation of istimrari estates.
23. Succession to estate where there is male issue.
Rule of primogeniture.
What adoptions valid.
Adoption by widow.
24. Succession to estate when there is no male issue.
25. Claims for maintenance against Istimrardar.
26. Expropriation in istimrari estates.
Collector's valuation final.
Such valuation how made—
When the land is cultivated ;
When it is uncultivated ;
When there are trees, buildings, or works.
Valuation may be made in absence of parties.
Vesting of land in Government.
Payment of compensation.
Certain sections of Act X of 1870 inapplicable.
Remainder of Act to apply.
27. Privileges of Istimrardars in criminal proceedings
28. Do do. in civil and revenue proceedings.
29. Decrees for money—
Not to be executed after death of Istimrardars.
Or passed against his representative.
30. Estates for which istimrari sanads are granted after passing of Regulation.

(D).—*Of Bhum.*

31. "Bhum"
32. Proprietary right in Bhum.
33. Succession to Bhum where there is male issue.
34. Succession to Bhum where there is no male issue.
35. Claims for maintenance against Bhumia.
36. Restrictions on alienation and charging.

Land and Revenue.]

(E).—*Of holdings wholly or partially exempt from Assessment and of Revenue assignments generally.*

SECTIONS.

37. No exemption or assignment except under sanad.
38. Power to grant or recognize exemptions and assignments.
39. Questions whether right to exemption or assignment has determined.
40. Conditions regarding alienation, charging, succession and maintenance.

(F).—*Of Ex-proprietary Tenants, and other Tenants, with Rights of Occupancy.*

41. Ex-proprietary tenants.
42. Applications to fix rent.
43. Procedure thereon
44. Grounds of enhancement during term for which rent fixed.
45. Grounds of abatement during same.
46. Enhancement and abatement—orders when to take effect.
47. Changes from money to kind rents, and *vice-versa*.

(G).—*Provisions for the Division of Crops and the estimating of produce between Landlord and Tenant,*

48. Power to divide crop.
49. Remedy for error in division.
50. Power to estimate standing crop.
51. Remedy when estimate made in bad faith.

(H).—*Of ejecting Tenants.*

52. Certain tenants to be ejected only in execution of decree.
53. Mode of ejecting other tenants.
54. Ejectment in execution of a decree for arrears.
55. Compensation claimable by tenant ejected.

(I).—*Of relinquishment by a Tenant.*

56. When tenant-at-will may relinquish.

PART III.

OF LAND REVENUE SETTLEMENTS.

(A).—*Of the Assessment of the Land-revenue.*

57. Offer of settlement of estate owned by one person.
58. Estate owned by several persons.
59. Term for which settlement is made.
60. Settlement.

[Land and Revenue.

SECTIONS.

- 61. Declaration of terms to persons to be offered effect of acceptance of offer.
Sanction requisite to bind Government.
- 62. Exclusion of proprietors refusing to accept offer.
- 63. Allowance to persons excluded.
- 64. Joint and several liability.
" Perfect partition " when allowed.

(B).—Of the Settlement-record.

- 65. Settlement-record.
- 66. Entries in such record how made.
- 67. Proceedings to contest entry.
- 68. Entries presumed true
- 69. Record to be delivered to Collector, and kept up by him.
- 70. Rules regarding maintenance of record.

(C).—Miscellaneous.

- 71. Continuance of assessment ;
of record-of-rights.
- 72. Application of sections 64, 67 to 71.

PART IV

OF THE COLLECTION OF THE LAND REVENUE.

(A).—Time and Place for Payment of Revenue.

- 73. Rules as to instalments and times and places of payment.
- 74. " Arrear," " Defaulter."

(B).—Arrested and Imprisonment of Defaulter.

- 75. Issue of warrant of arrest.
- 76. Order to bring defaulter to the district head-quarters.
- 77. Delegation to subordinate Revenue-officer of powers under sections 75 and 76.
- 78. Commitment to civil jail.
- 79. Discharge of defaulter on enforcement of process under sections 82, 87 or 93.

(C).—Attachment and Sale of Moveable Property.

- 80. Attachment and sale of moveable property.
- 81. Procedure to be followed.

Land and Revenue.]

(D)—*Attachment of the Estate without Cancellation of the Settlement, Leases, &c.*

SECTIONS.

- 82. Power to attach land.
- 83. Effect of attachment.
- 84. Profits of land how applied.
- 85. Attachment when to cease.

(E).—*Transfer to a solvent Malguzar or Incumbrancer.*

- 86. Application for transfer.
- 87. When it may be granted.
- 88. Case of several applications.
- 89. Conditions of transfer—
for term ;
till arrear is re paid.
- 90. Application to have transfer under section 89 (b) made absolute.
Proceedings thereon.
- 91. Joint and several liability not affected by transfer.

(F).—*Sequestration of the Estate with Cancellation of Settlement, Leases, &c.*

- 92. Notification preliminary to sequestration.
- 93. Order of sequestration.
- 94. Effect of such order.
- 95. Expiry of period of sequestration.

(G).—*Miscellaneous.*

- 96. Recovery of arrears by attachment of immoveable property other than estate.
- 97. Recovery of—
(a) land revenue due ;
(b) rent on Government-land, etc. ;
(c) other moneys

(H).—*Recovery of Revenue through Headmen.*

- 98. Other Malguzars to pay headmen.
- 99. Distraint abolished.
- 100. Joinder of defendants in suits for arrears.

SECTIONS.

PART V.
OF COURTS OF WARDS.101 to 105. [*Repealed.*]

PART VI.

MISCELLANEOUS.

- 106. Erection and repair of boundary-marks.
- 107. Additional powers which may be conferred on Revenue-officers.
- 108. Functions of Collector how discharged.
- 109. Chief Commissioner's power of revision.
- 110. Additional power to make rules.
- 111. Power to prescribe a penalty for breaches of rules.
- 112. Rules how to be published.
Force of rules
- 113. Consolidation and re-publication of rules.
- 114. First appeals.
- 115. Second appeals.
- 116. Limitation of appeals.
- 117. Order in first appeal, when confirming original decision, final.
- 118. No certificates for Revenue-agents to be granted.
- 119. Proceedings under Regulation not to be impeached.
Limitation of jurisdiction of Civil Courts.

Land and Revenue.]

REGULATION No. II of 1877.

A Regulation to declare and amend the law relating to certain interests in land and to the assessment and collection of Land-revenue in Ajmere and Merwara.

(Published in the Gazette of India, 1877, Part I, p. 623, and in the *Rajputana Official Gazette*, 1878, p. 32.)

Preamble. WHEREAS it is expedient to declare and amend the law relating to certain interests in land, and to the assessment and collection of Land-revenue in Ajmere and Merwara; It is hereby enacted as follows:—

PART I.
PRELIMINARY.

Short title. 1. This Regulation may be called the Ajmere Land and Revenue Regulation, 1877.

Local extent. It extends to all the territories now under the administration of the Chief Commissioner of Ajmere, and subject to the provisions of the 33 Vict., chap. 3, section 1; [a]

Commencement. And it shall come into operation on such date [b] as the said Chief Commissioner, with the previous sanction of the Governor-General in Council may, by notification in the Gazette of India, direct.

Interpretation-clause. 2. In this Regulation, unless there is something repugnant in the subject or context—

(a) "Agricultural year" means the year beginning on the first of June:

(b) "Collector" means any officer appointed by the Chief Commissioner to discharge the functions of a Collector under this Regulation in any part of the said territories. [c]

(c) "Revenue-officer" includes—

(1) The Commissioner of Ajmere when acting under this Regulation or under any rule made under this Regulation,

(2) A Collector; and

(3) Any person whom the Chief Commissioner, subject to the control of the Governor-General in Council, may from time to time appoint by name or by office to do anything required by this Regulation to be done by a Revenue-officer, or anything to be done by a Government officer under this Regulation or under any rule made under this Regulation, and for the doing of which no agency is specially provided by this Regulation:

(d) "Malguzar" means a person liable under section 64 for the payment of the revenue assessed upon an estate:

(e) "Section" means a section of this Regulation.

[a] Printed in the collection of Statutes relating to India, Ed. 1881, Vol. II. p. 878.

[b] The 1st January, 1874—see *Rajputana Official Gazette*, 1877, p. 290.

[c] Words repealed by Reg. 1 of 1888, S. 2 are omitted.

PART II.

OF CERTAIN INTERESTS IN LAND.

(A)—Of certain Rights of the Government.

3. Except in the case of lands in respect of which Istimrari Sanads have been granted by the Chief Commissioner, with the previous sanction of the Governor-General in Council, the Government shall be presumed, until the contrary is proved—

Rights of Government in regard to mines and quarries.

(a) To be the sole owner of all mines, opened and unopened, of metal, coal and other valuable minerals, with full liberty to search for and work the same:

(b) To be entitled to take free, or authorize persons who have entered into any contract with it to take free, from any quarry, whether previously worked or not, as much stone, kankar, gravel, sand or other like substance as is needed for any public purpose:

Provided that, whenever in the exercise by the Government of the rights herein referred to over any land, damage is caused to any person whose rights are infringed by the occupation or disturbance of the surface of such land, the Government shall pay to such person such amount of compensation for the damage so caused as may be determined by the Revenue Officer:

Provided also, that nothing herein contained shall affect the concession made in respect of mines and quarries in State-forests by section 6 of the Ajmere Forest Regulation, 1874 [a]

4. The soil of all Tanks constructed by the Government, including the embankments of the same, shall be deemed to be the property of Government.

Rights in regard to Tanks.

5. The Government shall be presumed, until the contrary is proved, to be entitled to the exclusive use and control of the water of all rivers and streams flowing in natural channels, and of all natural collections of water, and of all tanks constructed by the Government. [b]

Rights in regard to waters.

6. No person shall make use of the pasturage or other natural product of any land being the property of the Government, except with the permission of the Revenue-officer and subject to such rules as may from time to time be prescribed by the Chief Commissioner.

Use of Government Pasturage, &c.

(B).—Of Co-ownership and Partition.

7. Any one of the proprietary body of any village who, with the consent of a majority of such body, permanently improves any common land in such

Rights of villagers over common lands of village.

[a] Printed under head "Forests."

[b] See further, Regulation VIII of 1887, under head "Irrigation."

Land and Revenue.]

village by sinking a well, constructing an embankment, planting, draining or otherwise, shall become the owner of such land.

Unimproved common land shall be deemed to be held on a tenure-at-will from the proprietary body, unless there is a written agreement to the contrary between such body and the holder.

Partition of
common lands
of village.

8. Any person recorded as a sharer in the common lands of a village may apply for partition of such lands. Every application under this section shall be presented and dealt with in the manner provided by sections 10 to 19, inclusive.

Partition of
other lands.

9. Any person recorded as a sharer in land, not being common land of a village, may apply for a partition of such land in the manner hereinafter prescribed:

Provided that the area of land in each share, after such partition, shall not be less than ten *bighas* of well-land, fifteen *bighas* of *talabi* or *abi* land, or thirty *bighas* of unirrigated land, or a proportion of such classes of land equivalent to ten *bighas* of well-land.

Application
for partition.

10. Every application under section 9 shall be in writing, shall be presented to the Revenue-officer, and shall specify the area of the land, the applicant's share and the names of the other sharers.

Notice to be
issued.

11. The Revenue Officer shall cause notice of such application to be served on the sharers named therein and published in the village in which the land is situated.

Objection
that applicant
is not entitled
to share
claimed.

12. If within one month from the date of the publication of any notice under section 11, any objection is made to the partition to which it relates, on the ground that the applicant is not entitled to the share of the land of which he is recorded as owner, the Revenue-officer shall stay his proceedings for such time as, in his opinion, is sufficient to admit of a suit being instituted in the Civil Court to try such objection.

Every Revenue-officer staying his proceedings under this section shall make an order requiring the objector or, if for any reason he deems it more equitable, the applicant, to institute such a suit within the time fixed, and in the event of such a suit not being instituted within the said time, may, in his discretion, disallow the objection or dismiss the application as the case may be.

Revenue
Court to be
guided by
orders of Civil
Court on
objection.

13. On a suit being instituted to try any objection under section 12, the Revenue-officer shall, with reference to such objection, be guided by the orders passed by the Court in such suit.

[Land and Revenue.

14. If within the period of one month as aforesaid any objection other than an objection of the nature referred to in section 12 is made to the partition, the Revenue-officer shall dispose of it himself; unless for any reason he thinks fit to require that it be submitted to a Civil Court for adjudication, in which event the provisions of sections 12 and 13 shall apply to such objection. Other objections how dealt with.

15. When the period of one month from the date of the publication of the notice issued under section 11 has expired, and the objections (if any) made have been disposed of by the Revenue-officer, or by the Civil Court, as the case may be, the Revenue-officer shall, if no such objection has been allowed, proceed to make the partition: Proceedings of Revenue Officer after objections have been disposed of.

Provided that the Revenue-officer may in his discretion, in order to admit of the institution of an appeal from any decision regarding an objection, or for any other reason he deems sufficient, from time to time further postpone his proceedings.

16. Every Revenue-officer proceeding to make a partition shall pass an order determining the mode in which such partition is to be made. Mode of making partition.

A partition may, in the discretion of the Revenue-officer, be made in any one of the following modes, that is to say—

- (a) By the sharers themselves if they agree so to make it;
- (b) By arbitrators chosen by the sharers if they consent to choose arbitrators,
- (c) By the Revenue-officer and his subordinates,
- (d) By arbitrators appointed by the Revenue-officer.

17. The execution of any order passed under section 16 shall be deferred for fifteen days to admit of an appeal being preferred against such order. Order of partition when to be carried out.

At the expiration of the period of fifteen days, if no such appeal has been preferred, or, if such an appeal has been preferred, on its determination the partition may be carried out.

Nothing herein contained shall affect any right to appeal hereinafter conferred.

18. On the completion of the partition, the Revenue-officer shall publish a notification of the fact at his office, and in the village in which the land partitioned is situate. Notification on completion of work.

The partition shall take effect from such date as may be fixed by such notification. Date of taking effect.

Land and Revenue.]

Costs of partition.

19. The cost of making the surveys requisite for and preparing the records of a partition of any land shall be determined by the Revenue-officer, and recovered from the sharers in such land in such proportions as he may direct.

(C).—Of *Istimrari Estates*.

"Istimrari estate" defined.

20. "Istimrari estate" means an estate in respect of which an Istimrari Sanad has been granted, before the passing of this Regulation, by the Chief Commissioner with the previous sanction of the Governor-General in Council.

"Istimrardar" defined.

"Istimrardar" means the person to whom such Sanad has been granted, or any other person who becomes entitled to the istimrari estate in succession to him as hereinafter provided.

Tenants on istimrari estates.

21. All tenants of any land, whether culturable or not, comprised in an istimrari estate, shall be presumed, until the contrary is proved, to be tenants-at-will.

Alienation of istimrari estates.

22. No Istimrardar shall—

(a) Permanently alienate his istimrari estate or any portion thereof by sale, gift, or otherwise, except under the law for the time being in force relative to the acquisition of land for public purposes; or

(b) Alienate or charge such estate or any portion thereof by lease, mortgage, or otherwise, for any term extending beyond his own life, except by way of giving security for an advance under the Land Improvement Loans Act, XIX of 1883, [a] or other law for the time being in force relative to advances of money by Government for the improvement of land.

Any alienation made or charge created in contravention of the prohibition herein contained shall be void.

Succession to estate where there is male issue.

23. When an Istimrardar dies leaving sons or male issue descended from him through males only whether by birth or adoption, or when after the death of an Istimrardar his widow has power to adopt and adopts a son to him, the istimrari estate shall devolve as nearly as may be according to the custom of the family of the deceased :

Provided—

Rule of primogeniture.

1st—That the descent shall in all cases be to a single heir, according to the rule of primogeniture ;

What adoption is valid.

2nd—That no adoption shall be deemed valid unless it is made by a written document deposited with the Collector or the Registrar of the district ;

[a] The reference to Act XXVI of 1871 is altered in accordance with Act XIX of 1893, S. 2.

[Land and Revenue.

3rd—That no adoption made by a widow shall be deemed valid until confirmed by the Governor-General in Council. Adoption by widow.

24. Any question as to the right to succeed to an *istimrari* estate, arising in a case not provided for by section 23, shall be decided by the Governor-General in Council, or by such officer as he may appoint in this behalf: Succession to estate when there is no male issue.

Provided that the Governor-General in Council, if he thinks fit, instead of deciding such question himself or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court.

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, entertain such suit.

25 All claims for maintenance or to hold land in lieu of maintenance against an *Istimrardar* by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision thereon shall be conclusive. Claims for maintenance against Istimrardar.

26. When land situate in an *istimrari* estate is to be acquired under the Land Acquisition Act, 1870, [a] for the purpose of constructing a railway, or for any other object which in the opinion of the Chief Commissioner may reasonably be expected to improve the value of such estate,— Expropriation in istimrari estate.

1st—The determination of the Collector under section 11 of that Act, as to the amount of compensation to be allowed for such land, shall be final and conclusive: Collector's valuation final.

2nd—In arriving at such determination, the Collector, instead of taking into consideration the market value of such land as required by sections 13 and 24 of that Act, shall fix the value of such land in manner following, that is to say— Such valuation how made.

- (a) When such land is cultivated, he shall ascertain the amount of revenue which would be assessed on such land if it were being fully assessed to land-revenue under the law for the time being in force, and shall allow *twenty times* the amount so ascertained, and, when such land is uncultivated he shall, notwithstanding the existence of any custom by which such land would be given free of charge, ascertain the amount of revenue which would be assessed on such land if it were When the land is cultivated; When it is uncultivated.

Land and Revenue.]

cultivated, and were being fully assessed as aforesaid, and shall allow *three times* the amount so ascertained;

When there are trees, buildings or works.

- (b) He shall allow besides the amount allowed under clause (a), such further amount in respect of any trees and of any wells, tanks, embankments, houses, and other works and buildings on such land as under all the circumstances of the case he may deem fair and reasonable:

Valuation may be made in absence of parties.

3rd.—He may determine the amount of such compensation notwithstanding that no person interested in such land has appeared before him in pursuance of the notice issued by him under section 9 of the said Act.

Vesting of land in Government.

4th.—When he has determined the amount of such compensation, he may take possession of the land, which shall thereupon vest absolutely in the Government free from all encumbrances.

Payment of compensation

5th.—On determining the amount of compensation he may pay that amount to the persons whom he deems entitled thereto; but nothing herein contained shall affect the liability of any person who may receive the whole or any part of such compensation to pay the same to the person lawfully entitled thereto.

Certain sections of Act X of 1870 inapplicable

6th.—Sections 14 to 16 (both inclusive), sections 18 to 23 (both inclusive), and sections 26 to 42 (both inclusive) of the said Land Acquisition Act 1870, [a] shall not apply to the cases herein referred to.

Remainder of Act to apply.

7th.—Except as hereinbefore provided, the provisions of that Act, so far as they may be applicable consistently with the provisions hereinbefore contained, shall apply to such cases.

Privileges of Istimrardars in criminal proceedings.

27. No criminal proceeding against any Istimrardar shall be instituted except in the Court of the Magistrate of the district, or in that of the Sessions Judge;

And no such proceeding shall be instituted in either of the said Courts without the previous sanction of the Chief Commissioner:

Provided that a Magistrate of the district or the Sessions Judge may allow any such proceeding to be instituted in his Court without such sanction when he thinks, for reasons to be recorded by him in writing, that the immediate institution of such proceeding is necessary to prevent a failure of justice.

The Chief Commissioner may quash any proceeding the institution of which has been so allowed without his sanction.

[Land and Revenue.

28. No Istimrardar shall be arrested in execution of any process of any Civil or Revenue Court, except with the previous sanction of the Chief Commissioner. In civil and revenue proceedings.

29. Notwithstanding anything contained in section 234, or section 252 of the Code of Civil Procedure [a] or in any other enactment in force at the time this Regulation is passed,— Decrees for money not to be executed after death of Istimrardar, or passed against his representative.

No decree for money against an Istimrardar shall be executed after his death, and no decree for money shall be passed against any person as the representative of a deceased Istimrardar:

Provided that nothing herein contained shall prevent the enforcement of a lien or other charge against any property not being part of an Istimrari estate.

30. The Chief Commissioner may, with the previous sanction of the Governor-General in Council, direct that all or any of the provisions of sections 22 to 29 (both inclusive) shall apply in the case of any estate in respect of which an Istimrari Sanad may be granted by such Chief Commissioner, with the sanction of the Governor-General in Council after the passing of this Regulation. Estates for which Istimrari Sanads granted after passing of Regulation.

D.—Of Bhum.

31. "Bhum" means land in respect of which a Bhum Sanad may have been granted, whether before or after the passing of this Regulation by the Commissioner, with the sanction of the Governor-General in Council. "Bhum."

32. No person shall be deemed to have any proprietary right in such land except the persons named in such Sanad and their successors in interest thereunder. Proprietary right in Bhum.

33. When a Bhumia dies leaving sons, or male issue descended from him through males only, whether by birth or adoption, or when after the death of a Bhumia his widow has power to adopt a son to him, the Bhum shall devolve according to the custom of the family. Succession to Bhum where there is no male issue.

34. Any question as to the right to succeed to Bhum arising in a case not provided for by section 33 shall be decided by the Governor-General in Council, or by such officer as he may appoint in this behalf: Succession to Bhum when there is no male issue.

Provided that the Governor-General in Council, if he thinks fit, instead of deciding such question himself, or appointing any officer to decide the same, may grant to any person claiming to succeed as aforesaid a certificate declaring that the matter is one proper to be determined by a Civil Court.

[a] The reference to Act VIII of 1839 as 206, 210 and 211, is altered in accordance with Act XIV of 1882 s. 3 (For Act XIV of 1882 see the revised edition, as modified up to 1st July 1888, published by the Legislative Department.)

Land and Revenue.]

The person to whom such certificate is granted may institute a suit to establish his right in any Court otherwise competent under the law for the time being in force to try the same, and such Court may, upon the production of such certificate before it, ascertain such suit.

Claims for
maintenance
against
Bhumia.

35. All claims for maintenance or to hold land in lieu of maintenance against a Bhumia by any member of his family shall be preferred through the Commissioner to the Chief Commissioner, whose decision shall be conclusive.

Restrictions
on alienation
and charging.

36. Except under the law for the time being in force relative to the acquisition of land for public purposes, no person holding under a Bhum Sanad shall alienate or charge the Bhum or his share thereof, by sale, gift, lease, mortgage, or otherwise, to or in favour of any person not being a co-sharer holding under the same Sanad.

Any alienation made or charge created in contravention of the prohibition herein contained, shall be void.

(E.)—Of holdings wholly or partially exempt from Assessment and of Revenue assignments generally.

No exemption
or assignment
except under
Sanad.

37. No person shall be deemed entitled to any exemption, total or partial, from the Land-revenue assessment or to any assignment of Land-revenue except under a Sanad granting or recognizing such exemption or assignment issued by or under the authority of the Chief Commissioner as hereinafter provided.

Power to
grant or re-
cognize ex-
emptions and
assignments.

38. It shall be in the discretion of the Chief Commissioner, subject to such limitations as may be prescribed by the Governor-General in Council, to grant or recognize, either absolutely or subject to conditions, any such exemptions or assignments.

Question
whether right
to exemption
or assignment
has deter-
mined.

39. If any question arises as to whether any event on which any such exemption or assignment is determinable has occurred, or as to whether any condition subject to which such exemption or assignment may have been granted or recognized has been fulfilled, the decision of the Chief Commissioner thereon shall, subject only to an appeal to the Governor-General in Council, be conclusive.

Conditions
regarding
alienation,
charging, suc-
cession and
maintenance.

40. If in granting or recognizing any exemption from the Land-revenue assessment in favour of the owner of any land, the Chief Commissioner, with the previous sanction of the Governor-General in Council, makes it a condition

[Land and Revenue.

of his grant or recognition that all or any of the rules regarding alienation, charging, succession, or maintenance, prescribed for istimrari estates by sections 22 to 25 inclusive, and for Bhum by sections 34 to 36 inclusive, or any other special rules regarding alienation, charging, succession or maintenance shall apply to such land,

And the then owner of such land accepts the grant or recognition on such condition,

Such rules shall thenceforward apply to such land.

(F).—*Of Ex-proprietary Tenants and other Tenants with Rights of Occupancy.*

41. Any person who may have, whether before or after the passing of this Regulation, lost or parted with his proprietary rights in any holding, either temporarily or permanently, and has since continued in occupation of any of the lands comprised in such holding, which, as proprietor, he retained under his own cultivation, shall have a right of occupancy in such lands at a rent of five annas four pies in the rupee less than the prevailing rate payable by tenants-at-will for lands of similar quality and with similar advantages in the neighbourhood.

Ex-proprie-
tary tenants.

Such persons are hereinafter called "ex-proprietary tenants."

Any agreement executed, whether before or after the passing of this Regulation, by an ex-proprietary tenant to pay a higher rate of rent than that prescribed by this section, shall be void.

42. When the rent of an ex-proprietary or other occupancy-tenant of any land has not been fixed at Settlement, or when the rent was then fixed, but the term for which it was then fixed has expired, such tenant or his landlord may apply to the Revenue Officer to fix the rent of such land.

Applications
to fix rent.

43. On receiving such application, the Revenue Officer shall ascertain the productive powers of such land, and proceed to determine the rent payable by such tenant—

Procedure
thereon.

(a) Where such tenant is not an ex-proprietary tenant—at the prevailing rate paid by similar tenants for land of a similar quality with similar advantages, in the neighbourhood;

(b) Where such tenant is an ex-proprietary tenant—at the rate payable by such tenant under the provisions of section 41.

44. When the rent of any occupancy-tenant has been fixed at Settlement, or under section 43, the landlord may, during the term for which it

Grounds of
enhancement
during term
for which
rent fixed.

Land and Revenue.]

has been so fixed, apply to the Revenue Officer to enhance the rent of such tenant on any of the following grounds and on no other :—

(a) That the quantity of land held by such tenant has been increased by alluvion, or has been proved by measurement to be greater than the quantity for which rent has been previously paid by him ;

(b) That the value of the produce of such land has risen, or the productive powers of such land have been increased, otherwise than by the agency or at the expense of the tenant.

Grounds of
abatement
during same

45. Any occupancy-tenant whose rent has been fixed as aforesaid may, during the term for which it has been so fixed, apply to the Revenue Officer for an abatement of his rent on any of the following grounds, and on no other :—

(a) That the area of the land held by him has been diminished by diluvion, or has been proved by measurement to be less than the quantity for which rent has been previously paid by him ;

(b) That the value of the produce of such land has fallen, or the productive powers of such land have been decreased by any cause beyond his control.

Enhancement
and abate-
ment orders
when to take
effect.

46. Every order for enhancement or abatement of rent made under section 44 or section 45 shall take effect from the commencement of the agricultural year next following the date of such order.

Changes from
money to kind
rents and vice
versa.

47. No change of the method of paying rent from money to kind, or from kind to money, shall be ordered without the consent of both the landlord and the tenant :

Provided that the Collector may, where a dispute arises between an ex-proprietary tenant and his landlord, commute rent payable by such tenant in kind to rent in money.

(G).—*Provisions for the Division of Crops and the estimating of Produce between Landlord and Tenant.*

Power to di-
vide crop

48. When the rent of any land is payable by division of a crop grown on such land, the Revenue Officer may, on application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and cause such crop to be cut or gathered and divided in accordance with the share to which, upon such enquiry as he deems fit to make, it appears to him the parties are respectively entitled.

[Land and Revenue.

49. If owing to an error of such Revenue Officer either party in such division receives less than the share to which he is entitled, such party may, within three months from the date on which such division is completed, institute a suit against the other party to recover the value of the additional portion of the crop due to him, at the price which prevailed on such date. Remedy for error in division.

If no such suit is instituted within the said period of three months, the division shall for all purposes be deemed to have been rightly made.

50. When the rent of any land is to be determined by an estimate of a crop standing on such land, the Revenue Officer may, on an application being made either by the landlord or by the tenant when such crop is ripe, proceed to such land on a day of which notice shall be given to both parties, and determine the yield of such crop in manner following, that is to say— Power to estimate standing crop.

(a) Each of the parties shall appoint an arbitrator, and the Revenue Officer shall appoint a third arbitrator ;

(b) If either party fails to attend or appoint an arbitrator, the Revenue Officer may appoint an arbitrator for him ;

(c) The arbitrators thus appointed shall inspect the crop, and, if any two of them agree in their estimate thereof, the Revenue Officer shall declare the rent to be payable in accordance with such estimate ;

(d) If no two of the arbitrators agree in their estimate, the Revenue Officer shall, after inspecting the crop, make his own estimate thereof, and declare the rent to be payable in accordance therewith.

51. Either party may, within three months from the date on which a declaration is made under section 50, institute a suit against the other party to set aside such declaration on the ground that the estimate on which it is based was made in bad faith, and on no other ground. Remedy when estimate is made in bad faith.

If no such suit is instituted within the period thus limited, such declaration shall be for all purposes final and conclusive.

(II)—Of Ejecting Tenants

52. No tenant with a right of occupancy or holding under an unexpired lease shall be ejected otherwise than in execution of a decree for ejectment, or as provided in section 54, and no ex-proprietary tenant shall be ejected in either of these modes without the sanction of the Commissioner previously obtained. Certain tenants to be ejected only in execution of decree.

Land and Revenue.]

Mode of eject-
ing other ten-
ants.

53 If a landlord desire to eject a tenant not being a tenant of any of the classes referred to in section 52, he may cause a written notice of ejectment to be served on such tenant not less than one month before the commencement of any agricultural year.

If the tenant does not quit the land before the commencement of such year, the landlord may present an application to the Revenue Officer for assistance to eject. The Revenue Officer if satisfied—

- (1) That the tenant is not a tenant of any of the classes referred to in section 52, and
- (2) That the notice of ejectment was served as hereinbefore required, may order the ejectment of such tenant.

Ejectment in
execution of
a decree for
arrears

54 Any tenant may be ejected under an order of the Court executing a decree against him for an arrear of rent if such decree has remained unsatisfied for the period of one month from the date of any application for execution of the same.

Compensation
claimable by
tenant ejected

55. No tenant shall be ejected under section 52, 53 or 54 from any land on which he has effected any permanent improvement by sinking a well, constructing an embankment, planting, draining or otherwise, unless and until he has been paid by the landlord the value of such improvement at the date of ejectment; such value to be determined, in case the parties differ, by order of the Revenue Officer.

(I)—Of Relinquishment by a Tenant.

When tenant-
at-will may
relinquish.

56. Except as may be otherwise provided by any contract, the rent paid by a tenant-at-will in any agricultural year in respect of any land, shall continue payable by him during the succeeding agricultural year, unless such tenant, three months before the commencement of such succeeding year, gives notice to his landlord of his intention to relinquish such land, or unless his landlord before the end of such succeeding year ejects him from such land or lets the same to some other person.

PART III.

OF LAND REVENUE SETTLEMENTS.

(A).—Of the Assessment of the Land Revenue.

Offer of settle-
ment of estate
owned by one
person.

57. When the estate in respect of which a settlement is to be made is owned by one person, the settlement shall be offered to that person.

[Land and Revenue

58. When such estate is owned by several persons, the settlement may be offered to such persons or to their lambardars or other representatives. Estate owned by several persons.

59. The term for which a settlement is to be made shall be fixed by the Chief Commissioner with the previous sanction of, or under such rules as may from time to time be prescribed by the Governor-General in Council. Term for which settlement is made.

60. When the Revenue Officer in charge of the settlement has satisfied himself as to the amount at which, under such rules as may from time to time be made in this behalf by the Chief Commissioner, an estate should be assessed, he shall declare the same to the persons to whom the settlement of such estate is to be offered. Declaration of terms to person to be offered settlement.

61. If such persons agree to the assessment so proposed, their agreement shall be reduced to writing and signed by them, and they and those (if any) whom they represent shall become liable from the date of such agreement, or from such subsequent date as the Chief Commissioner may direct, for the payment of the amount of such assessment. Effect of acceptance of offer.

But no assessment shall be considered final as against the Government until it has been sanctioned by the Governor-General in Council. Sanction requisite to bind Government.

62. If such persons refuse to accept the proposed assessment, the Revenue Officer in charge of the settlement may exclude such persons and those (if any) whom they represent from their estate, and may make a settlement of such estate with any other persons, or may take such estate under direct management. Exclusion of proprietors refusing to accept offer.

The period of such exclusion shall in no case extend beyond the term of the settlement.

63. All persons excluded under section 62 shall, during the period of their exclusion, be entitled to a yearly allowance from the Government, the amount of which shall be fixed by the Chief Commissioner, but which shall not be less than five *per cent.* or more than ten *per cent.* of the net amount realized by Government from the estate from which such persons are excluded. Allowance to persons excluded.

64. All persons who are bound by the agreement prescribed by section 61 and their successors in interest shall, while they continue to be owners of land in the estate to which such agreement relates, be jointly and severally liable for the payment of the whole amount of revenue assessed upon such estate. Joint and several liability.

No partition of the nature of that commonly called "perfect partition" shall be made except with the previous sanction of the Chief Commissioner. "Perfect partition" when allowed.

Land and Revenue.]

*(B)—Of the Settlement-record.*Settlement-
record.

65. Whenever any settlement of an estate is to be made, the Chief Commissioner may direct that, in addition to the written agreement prescribed by section 61, a settlement-record, consisting of all or any of the following documents or of any other similar documents he thinks fit, shall be prepared:—

- (1) A pedigree-table showing all owners of land in such estate.
- (2) A map showing the boundaries of the village or villages comprised in such estate and the boundaries of all fields in such village or villages:
- (3) A statement of the owners of the fields shown in such map:
- (4) A statement of the occupiers of such fields, and of the status of such occupiers.
- (5) A statement of the amount of revenue payable as among themselves by each owner or occupier in respect of his holding:
- (6) A statement of persons holding land revenue-free in such estate and of the lands so held.
- (7) A record of any customs prevailing in such estate.
- (8) An abstract of the proceedings at such settlement:

Entries in
such record
how made

66. Entries in the settlement-record shall be made on the basis of actual possession and existing usage, and shall be authenticated by the signature of the Revenue Officer.

Proceedings
to contest
entry

67. Any person who considers himself aggrieved by an entry in the settlement-record may appeal to the authorities to whom an appeal lies under this Regulation, or, when the entry is one in the first, third, fourth or seventh document mentioned in section 65, may, instead of so appealing, or, if he prefers an appeal and is dissatisfied with the order passed thereon by any such authority, bring a suit in the Civil Court against any other persons interested in such entry to have such entry amended.

Entries pre-
sumed true.

68. Entries in the settlement record made in the course of a settlement and authenticated under section 66 shall be presumed to be correct till the contrary is proved.

Record to be
delivered to
Collector,
and kept up
by him.

69. The settlement-record shall be made over to the Collector at such time as the Chief Commissioner may direct.

The Collector shall, subject to any rules made under section 70 from time to time record, or cause to be recorded, all facts affecting any

[Land and Revenue.

matters stated in the Settlement-record, which occur subsequently to such record being made over to him

70 The Chief Commissioner may from time to time by rule determine—

(a) What facts shall be so recorded, and the manner in which the persons by whom, and the occasions on which, such facts shall be brought to notice and recorded,

Rules regarding maintenance of record.

(b) What fees shall be payable in respect of the recording of such facts by any persons concerned in or affected by the occurrence of such facts.

(C).—Miscellaneous.

71 If the term for which any assessment of an estate has been made expires before a new settlement of such estate is made, all persons who continue to occupy land comprised in such estate after the expiration of such term shall hold such land upon the conditions of such assessment until a new settlement is made.

Continuance of assessment;

In all cases the existing record-of-rights shall continue in force until a new record-of-rights is made.

of record of rights.

72 Section 64 and sections 67 to 71 (both inclusive) shall, so far as they may be applicable, apply to the settlement concluded in 1874

Application of Sections 64, 67 to 71

PART IV.

OF THE COLLECTION OF THE LAND-REVENUE

(A).—Time and Place for Payment of Revenue.

73. The Chief Commissioner may from time to time make rules as to the instalments by which, and the places and times at which, the revenue payable in respect of any estate shall be paid, and as to the mode in which notice of such instalments, places and times shall be given to the persons concerned.

Rules as to instalments and times and places of payment.

Until the Chief Commissioner otherwise directs, the practice in respect of such matters prevailing at the time this Regulation comes into operation shall continue.

Land and Revenue.]

"Arrear," 74. Any sum not paid as required by section 73 or the rules framed
"Defaulter." thereunder shall be deemed to be an arrear of Land-revenue, and every person liable for it shall be deemed to be a defaulter.

(B).—Arrest and Imprisonment of Defaulter.

Issue of
warrant of
arrest.

75. When an arrear of land-revenue has accrued, the Collector may issue a warrant ordering any defaulter to pay the whole or any part of such arrear within a time therein specified, and may empower an officer named in such warrant in the event of the amount demanded not being so paid, to arrest such defaulter and bring him to the Tahsil.

Order to bring
defaulter to
district head-
quarters.

76. If, when the time named in such warrant has expired, the defaulter is brought to the Tahsil, and does not either pay such amount, or the portion thereof remaining unpaid (as the case may be), or show good reason for extending the time for payment thereof, the Collector may direct him to be conveyed to the Collector's head-quarters, and there kept under personal restraint for ten days or until he pays such amount or such portion thereof within that period.

Delegation to
subordinate
Revenue-
Officer of
powers under
sections 75
and 76.

77. The Collector, with the previous sanction of the Commissioner, may empower any Revenue-Officer subordinate to him, and not being of lower grade than that of Tahsildar, to exercise the powers conferred on the Collector by sections 75 and 76.

Commitment
to civil jail.

78. If the amount named in any warrant issued under section 75 or the portion thereof remaining unpaid (as the case may be) is not paid within the period of ten days fixed by section 76, and no good reason for the delay in the payment thereof is shown, the Collector may, by his warrant, commit the defaulter to the Civil Jail, to be there detained for such period not exceeding six months, or, if such amount or such portion thereof is more than five hundred rupees, for such period not exceeding one year, from the date of such warrant, as such Collector thinks fit, unless such amount or such portion thereof is sooner paid.

Discharge of
defaulter on
enforcement
of process
under section
82, 87 or 93.

79. Whenever any of the processes provided in sections 82, 87 and 93 is taken in respect of an arrear, any defaulter whose holding has been attached, transferred or sequestered shall, if he is in custody under section 75, 76 or 78, be forthwith discharged.

[Land and Revenue.

(C).—Attachment and Sale of Moveable Property.

80. Instead of, or in addition to, the proceedings authorized by sections 75 to 78, inclusive, the Collector may, in order to realize the whole or any portion of an arrear, order the attachment and sale of the moveable property of any defaulter with the exception of the following, that is to say :—

- (a) Implements and materials used in husbandry and animals kept for agricultural purposes ;
- (b) Implements of trade or of domestic industry ; and
- (c) The necessary wearing apparel of such defaulter and of his wife and children.

81. Every attachment and sale ordered under section 80 shall be conducted as nearly as may be according to the law in force for the time being for the attachment and sale of moveable property in execution of a decree of a Civil Court.

(D).—Attachment of the Estate without Cancellation of the Settlement, Leases, &c.

82. When an arrear of revenue has accrued in respect of any land, the Collector may, in addition to, or instead of, the processes hereinbefore specified, cause such land or any part thereof to be attached and taken under the direct management of any Agent whom he appoints in that behalf.

83. During the continuance of an attachment under section 82 the defaulters shall be excluded from possession of the land attached, and the Agent appointed by the Collector shall stand for all purposes in their position, being bound by all their liabilities to any subordinate proprietors, incumbrancers or tenants of, or on, such land, and being entitled to manage such land, and to receive all rents and profits accruing due to such defaulters therefrom.

84. The surplus profits of such land, after defraying the cost of attachment and management, shall be applied, first, to the payment of any Revenue falling due upon such land during the attachment, and next, to discharging the arrear.

85. The attachment shall continue until the arrear is paid or realized from the profits of the land, or the Collector thinks fit to reinstate the defaulters in possession.

Land and Revenue.]

(E).—Transfer to a Solvent Malguzar or Incumbrancer.

Application
for transfer.

86 When an arrear accrues in respect of any estate, owing to one of the malguzars thereof failing to contribute the portion of the Revenue chargeable as between him and the other malguzars of such estate to his holding, any other malguzars of such estate, or any mortgagee or other incumbrancer of, or on, such holding may present a petition to the Collector, offering to take over such holding and pay the portion of the arrear chargeable thereto either in a lump sum or by instalments.

When it may
be granted.

87. If the Collector is satisfied that the arrear has accrued owing to such failure, and that such offer ought to be accepted, he may suspend the execution of any other process taken for the realization of the arrear, and transfer the holding to the applicant.

Case of se-
veral applica-
tions

88 Where more than one application is made under section 86, the Collector shall, all other things in his opinion being equal, give a malguzar the preference to an incumbrancer, and among several malguzars shall give the preference to the applicant who, in case the defaulting malguzar's holding were sold, would have a right of pre-emption.

Conditions of
transfer.

89. Any transfer under section 87 may be made subject to such conditions as the Collector thinks fit, and may be either—

for term ;

(a) For a term not exceeding fifteen years, on the expiry of which the excluded malguzar shall be entitled to re-enter without making good the arrear, or

till arrear is
repaid

(b) Until the amount of the arrear paid by the transferee is repaid to him by such malguzar

Application to
have transfer
under section
89 (b) made
absolute.

90 When a transfer is made under section 89, clause (b), and the amount of the arrear is not repaid within twelve years from the date thereof, the transferee may apply to the Collector to publish a notification declaring that, if such amount is not repaid to the transferee within one year from the date of such notification, such transfer will become absolute.

Proceedings
thereon.

The Collector may, if he thinks fit, publish such notification, and, if the amount of the arrear is not so repaid before the expiration of one year from the date of such notification, the transfer shall become absolute.

Joint and
several liability
not affected
by transfer.

91. No proceedings taken under sections 86 to 90, inclusive, shall affect the joint and several liability of the malguzars, of the estate in which they are taken, for arrears accruing on such estate subsequently to the transfer of the holding of the defaulting malguzar except that, as regards all such arrears, the transferee shall stand in the place of such malguzar.

(F)—*Sequestration of the Estate, with Cancellation of
Settlement, Leases, &c.*

92 When any arrear of land-revenue due in respect of an estate remains unpaid for more than one month, the Collector may, with the previous sanction of the Chief Commissioner, cause to be published and served upon the persons concerned a notification announcing that, unless such arrear is paid within fifteen days from the date thereof, he will sequester such estate or such portion thereof as may be specified in such notification. Notification preliminary to sequestration.

93 If such arrear is not paid within fifteen days from the date of such notification, the Collector, with the previous sanction of the Commissioner, may make an order directing that such estate or portion be sequestered, and the defaulters excluded therefrom for a period not exceeding fifteen years from the date of such order, and not extending beyond the term of settlement. Order of sequestration.

94. On an order of sequestration being passed under section 93, the following consequences shall ensue :— Effect of such order.

(a) The execution of any other process taken for the realization of the arrear from the excluded defaulters shall be suspended ;

(b) The settlement of the estate shall be cancelled ;

(c) All liens, leases and other incumbrances created by such defaulters, or by any person through whom they claim over the estate or portion thereof sequestered may, at the option of the Collector, be cancelled ;

(d) The Collector may take possession of such estate or portion thereof, and either appoint an agent to manage it or let it in farm on such terms as the Chief Commissioner may by rule prescribe ;

(e) All persons in occupation of any land comprised in such estate or portion thereof shall be bound to pay rent at such rates as the Collector may in his discretion from time to time think proper to fix.

95 On the expiry of the period of sequestration, the estate or portion thereof sequestered shall revert to the excluded defaulters without payment by them of the arrear for which it was sequestered. Expiry of period of sequestration.

Land and Revenue.]

(G)—*Miscellaneous.*

Recovery of
arrears by at-
tachment of
immoveable
property
other than
estate.

96. When an arrear of revenue cannot be recovered by any of the processes hereinbefore described, the Collector may, with the previous sanction of the Chief Commissioner, order the attachment under sections 82 to 85, inclusive, of any immoveable property of the defaulters other than that in respect of which such arrear has accrued, and may apply the provisions of those sections to such property until such arrear is discharged.

Recovery of

97. The provisions of this part shall, as far as may be, apply to the recovery of the following, that is to say—

land-revenue
due;

(a) Land-revenue due at the time when this Regulation comes into operation;

rent on Gov-
ernment land,
&c;

(b) Rent payable to the Government in respect of land owned by the Government or held under direct management in exercise of the powers conferred by sections 62, 82 and 94 or otherwise.

other moneys.

(c) Fees, costs or other money payable under this Regulation, or under any rule made in exercise of a power conferred by this Regulation.

(H)—*Recovery of Revenue through Headmen.*

Other malgu-
zars to pay to
headmen.

98. In any estate in which headmen have been appointed, the remaining malguzars shall be bound, on demand made by the headmen fifteen days before an instalment of revenue falls due, to pay to such headmen the portions of such instalments which as between themselves are chargeable to their holdings respectively.

But no proceedings shall be instituted or maintained by a headman for the recovery of any sum so chargeable to a holding in an estate after the Collector has informed such headman that the Government demand on such estate has been remitted to an amount equal to such sum, and that such remission has been granted with special reference to such holding.

Distrain-
abolished.

99. The power of distrain now exercisable by village headmen as such shall cease to exist.

Joinder of
defendants in
suits for
arrears.

100. A village-headman may sue one or more co-sharers in the same suit for sums demandable on account of the same instalment of revenue.

[Land and Revenue

PART V.

OF COURTS OF WARDS.

101 to 105 [*Repealed by Regulation I of 1888*].

PART VI.

MISCELLANEOUS.

106. A Revenue-officer may, by a notice in writing, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary-marks sufficient for defining the limits of such land, or to repair any such boundary-marks already existing; and, if such person fails to comply with his requisition within a period to be specified in such notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of such land.

Erection and
repair of
boundary-
marks.

107. In addition to the powers directly conferred on Revenue-officers by this Regulation, the Chief Commissioner may, subject to any restrictions imposed by the Governor-General in Council, invest any Revenue-officer by name or by office for any of the purposes of this Regulation with any of the following powers, to be exercised by him in any part of the territories to which this Regulation extends, and in any specified class of cases :—

Additional
powers which
may be con-
ferred on
Revenue
officers.

1870. (a) Any of the powers specified in the fourth section of the Land Acquisition Act, 1870, [a]

(b) Any power exercised by a Civil Court in the trial of suits,

(c) Power to refer any matter in dispute, which he is required by this Regulation to decide, to arbitration, whether with or without the consent of the parties, and to delegate to the arbitrators all powers necessary for the investigation and decision of such matter;

(d) Power to hear appeals from the decisions of arbitrators in matters referred under clause (c);

(e) Powers to delegate the exercise of any power or the performance of any duty to a subordinate Revenue-officer;

(f) Power to review any decision or order given by him which is not open to appeal, or from which, if open to appeal, no appeal has been preferred;

(g) Power to call for the proceedings of any subordinate officer, and review any order or decision given therein, which is not open to appeal, or from which, if open to appeal, no appeal has been preferred.

[a] Repealed by Act I of 1894.

Land and Revenue.]

Functions of
Collector how
discharged.

108. Except as may, from time to time, be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall, in any part of the said territories, be discharged by the officer who may be appointed Collector for such part under this Regulation.

Chief Com-
missioner's
power of re-
vision.

109. The Chief Commissioner may call for the record of any proceedings had by any Revenue-officer, and may pass such order thereon consistent with this Regulation as he thinks fit.

Additional
power to
make rules.

110. In addition to other matters for which the Chief Commissioner is empowered by this Regulation to make Rules, he may, from time to time make Rules consistent with this Regulation—

- (a) For the assessment of the land-revenue ;
- (b) For the investigation of claims to exemption from such assessment or to assignments of land-revenue ;
- (c) For the appointment and removal of circle-headmen, village-headmen and patels ;
- (d) To determine the persons by whom the time, place and manner at or in which anything to be done under this Regulation, and for which no express provision is made in these respects, shall be done ; and to regulate the procedure of Revenue-officers and arbitrators acting under this Regulation in all cases ;
- (e) For the investigation by the higher Revenue-officers of charges of misconduct preferred against Revenue-officers of lower grade ;
- (f) To determine the fees to be charged for the service of process issued under this Regulation, and to regulate the costs in all proceedings before Revenue-officers ;
- (g) To determine the form of any notice or notification required by this Regulation to be served or published, and the mode in which such notice shall be served or published ; and
- (h) Generally to carry out the provisions of this Regulation.

Power to pre-
scribe penalty
for breaches
of rules.

111. The Chief Commissioner may, in making any Rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both.

[Land and Revenue.]

112. No Rule made by the Chief Commissioner under this Regulation shall take effect until it has been published in the *Official Gazette* [a]. Rules how to be published.

All such Rules when so published shall, in so far as they are consistent with this Regulation, have the force of law. Force of rules.

113. The Chief Commissioner shall at least once in every three years, cause all such rules still in force to be arranged in some convenient order according to their subject matter, consolidated, and, where necessary, amended. Consolidation and re-publication of rules.

The rules so arranged, consolidated and amended shall be published in the *Official Gazette*, [a] and, upon such publication, all rules previously made under this Regulation shall cease to be in force.

114 Except as hereinbefore otherwise provided, an appeal shall lie from every order and decision given under any of the provisions hereinbefore contained— First appeals.

(a) When such order or decision is given by any Revenue-officer other than the Commissioner or a Collector—to the Collector or to such other officer as the Chief Commissioner may direct to hear such appeals,

(b) When such order or decision is given by the Collector—to the Commissioner;

(c) When such order or decision is given by the Commissioner—to the Chief Commissioner.

115. If in any case the order or decision given in appeal under clause (a) or clause (b) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case, and is not hereinbefore declared to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal if on perusal of the grounds of appeal, and of copies of the orders or decisions already given, a further consideration of the case appears to him to be requisite for the ends of justice. Second appeals.

116 The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against, and shall be as follows, that is to say:— Limitation of appeals

(a) When such appeal lies to the Commissioner or Chief Commissioner, sixty days;

(b) In other cases, thirty days.

[a] "Official" was substituted for "Rajputana" in SS 112 and 113 by Reg. IX of 1893.

Land and Revenue]

Functions of
Collector how
discharged.

108. Except as may, from time to time, be otherwise directed in the exercise of a power conferred by any enactment for the time being in force, the functions of a Collector under any enactment for the time being in force shall, in any part of the said territories, be discharged by the officer who may be appointed Collector for such part under this Regulation.

Chief Com-
missioner's
power of re-
vision.

109. The Chief Commissioner may call for the record of any proceedings had by any Revenue-officer, and may pass such order thereon consistent with this Regulation as he thinks fit.

Additional
power to
make rules.

110. In addition to other matters for which the Chief Commissioner is empowered by this Regulation to make Rules, he may, from time to time make Rules consistent with this Regulation—

(a) For the assessment of the land-revenue ;

(b) For the investigation of claims to exemption from such assessment or to assignments of land-revenue ;

(c) For the appointment and removal of circle-headmen, village-headmen and patels ;

(d) To determine the persons by whom the time, place and manner at or in which anything to be done under this Regulation, and for which no express provision is made in these respects, shall be done ; and to regulate the procedure of Revenue-officers and arbitrators acting under this Regulation in all cases ;

(e) For the investigation by the higher Revenue-officers of charges of misconduct preferred against Revenue-officers of lower grade ;

(f) To determine the fees to be charged for the service of process issued under this Regulation, and to regulate the costs in all proceedings before Revenue-officers ;

(g) To determine the form of any notice or notification required by this Regulation to be served or published, and the mode in which such notice shall be served or published ; and

(h) Generally to carry out the provisions of this Regulation.

Power to pre-
scribe penalty
for breaches
of rules.

111. The Chief Commissioner may, in making any Rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a term not exceeding one month, or fine not exceeding two hundred rupees, or both.

[Land and Revenue.

112. No Rule made by the Chief Commissioner under this Regulation shall take effect until it has been published in the *Official Gazette* [a]. Rules how to be published.

All such Rules when so published shall, in so far as they are consistent with this Regulation, have the force of law. Force of rules.

113. The Chief Commissioner shall at least once in every three years cause all such rules still in force to be arranged in some convenient order according to their subject matter, consolidated, and, where necessary, amended. Consolidation and re-publication of rules.

The rules so arranged, consolidated and amended shall be published in the *Official Gazette*, [a] and, upon such publication, all rules previously made under this Regulation shall cease to be in force.

114 Except as hereinbefore otherwise provided, an appeal shall lie from every order and decision given under any of the provisions hereinbefore contained— First appeals.

(a) When such order or decision is given by any Revenue-officer other than the Commissioner or a Collector—to the Collector or to such other officer as the Chief Commissioner may direct to hear such appeals;

(b) When such order or decision is given by the Collector—to the Commissioner;

(c) When such order or decision is given by the Commissioner—to the Chief Commissioner.

115 If in any case the order or decision given in appeal under clause (a) or clause (b) of section 114 reverses or modifies the original order or decision on a point material to the merits of the case, and is not hereinbefore declared to be final, the Commissioner or Chief Commissioner, as the case may be, may receive a second appeal if on perusal of the grounds of appeal, and of copies of the orders or decisions already given, a further consideration of the case appears to him to be requisite for the ends of justice. Second appeals.

116. The period of limitation for an appeal under section 114 or section 115 shall begin to run from the date of the order or decision appealed against, and shall be as follows, that is to say:— Limitation of appeals

(a) When such appeal lies to the Commissioner or Chief Commissioner, sixty days;

(b) In other cases, thirty days

[a] "Official" was substituted for "Rajputana" in SS 112 and 113 by Reg. IX of 1893.

Land and Revenue.]

In other respects the limitation of such appeal shall be governed by the ^{XV of 1877} provisions of the Indian Limitation Act, 1877. [a]

order in first
appeal, when
confirming
original deci-
sion, final.

117. Every order or decision given in first appeal confirming the original order or decision, shall, subject to the powers of review and revision conferred under section 107 and by section 109, be final.

No certificates
or Revenue
Agents to be
granted.

118. Notwithstanding anything contained in the Legal Practitioners' Act ^{XVIII of 1879} 1879, [b] no certificate authorizing any person to practice as a Revenue-Agent shall be granted under that Act after the passing of this regulation.

Proceedings
under
Regulation
not to be im-
peached.
Limitation of
jurisdiction of
Civil Courts.

119. Except as hereinbefore expressly provided,—

(a) Everything done, ordered or decided by Governor-General in Council, the Chief Commissioner or a Revenue-officer under this Regulation, shall be deemed to have been legally and rightly done, ordered or decided;

(b) No Civil Court shall entertain any suit or application instituted or presented with a view to obtaining any order or decision which the Governor-General in Council, the Chief Commissioner or a Revenue-officer is under this Regulation empowered to make or pronounce.

[a] For Act XV of 1877, see the revised edition, as modified up to 1st December, 1892, published by the Legislative Department.

[b] The reference to Act XX of 1865 is altered in accordance with Act XVIII of 1870, s. 2, printed, General Acts. 1877-81, Ed. 1884, p. 313.

NOTIFICATIONS.

Ajmere, the 4th December 1877.

[a.] No. 732.—In exercise of the powers conferred by the *first* section of "The Ajmere Land and Revenue Regulation, 1877," and by the *first* section of "The Ajmere Laws Regulation, 1877," respectively, the Chief Commissioner of Ajmere, with the previous sanction of the Governor-General in Council, hereby directs that the said Regulations which were published in the *Gazette of India* of the 3rd November 1877, shall come into operation on the first day of January 1878.

Camp Ajmere, the 28th December 1877.

[b.] No. 797.—In exercise of the powers conferred by Section 2 of "The Ajmere Land and Revenue Regulation, 1877," clause (b), the Officiating Chief Commissioner appoints the Assistant Commissioner of Ajmere, and the Assistant Commissioner of Merwara, to do anything required by Part II and by Section 106 of the Regulation to be done by a Revenue officer.

Dated, Abu, the 15th October 1886.

[c.] No. 1202-388 —In supersession of all previous Notifications on the subject, and in exercise of the powers conferred on him by section 2, clause (b) of Ajmere Regulation II of 1877 (Land and Revenue), the Chief Commissioner of Ajmere-Merwara is pleased to appoint the Assistant Commissioners of Ajmere-Merwara for the time being to discharge the functions of a Collector under the said Regulation within their respective districts.

The Assistant Commissioner of Ajmere will, however, continue, until further orders, to exercise for both districts the powers conferred on him in this office Notification No. 1161-136 II, dated 23rd October 1885, in respect of Excise.

[a] Rajputana Official Gazette 29th December 1877.

[b] Rajputana Official Gazette, dated 5th January 1878.

[c] *Gazette of India*, Part II, for 1886 p. 637.

Land and Revenue.]

Dated, Abu the 31st October 1891.

[a] No. 1265-695.—In exercise of the powers vested in him by section 60 of the Ajmere Land and Revenue Regulation, II of 1877, the Chief Commissioner is pleased to frame the following rules for the temporary exemption of improvements from assessment to land-revenue in cases where the improvement is made without the aid of a loan under the Land Improvement Loans Act, and consists of reclamation of waste land or of the irrigation of land assessed at unirrigated rates:—

These rules shall come into force, with effect from the 1st November 1891.

Rule I.—Reclamation of Waste Land.—When land is reclaimed from waste without the aid of a loan granted under Act XIX of 1883, and is brought under cultivation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land until the expiration of a period of five years, reckoned from the beginning of the harvest first reaped after such reclamation was effected.

2. Improvement by Irrigation.—When land assessed at unirrigated rates is improved by irrigation without the aid of a loan granted under Act XIX of 1883, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land—

- (a) If the irrigation is provided by the construction of a new well—until the expiration of twenty years, reckoned from the beginning of the harvest first reaped after such improvement was effected;
- (b) If the irrigation is provided by the construction of a distributary—until the expiration of a period of five years, reckoned as in clause (a) of this rule directed; or
- (c) If the irrigation is provided by any means other than those hereinbefore in (a) and (b) specified—until the expiration of a period of ten years, reckoned as in clause (a) of this rule directed.

3. Nothing in these rules shall be understood as limiting the powers of the Chief Commissioner in any case to give more liberal terms to persons who make improvements than are herein detailed, or as depriving any land-owner or lessee of any remission or favourable assessment to which he may be entitled under the terms of any existing agreement or unexpired settlement.

[Land and Revenue.

CHIEF COMMISSIONER'S NOTIFICATIONS.

Dated, 28th December 1877.

[a] No. 798.—In exercise of the powers conferred by section 107 of "The Ajmere Land and Revenue Regulation, 1877," the Officiating Chief Commissioner invests the Commissioner of Ajmere with all the additional powers, specified in the clauses attached to that Section, except power to delegate the exercise of any power to a subordinate Revenue Officer.

[a] No. 799.—In exercise of the powers conferred by Section 107 of "The Ajmere Land and Revenue Regulation, 1877," the Officiating Chief Commissioner invests the Assistant Commissioner of Ajmere, and the Assistant Commissioner of Merwara, with all the additional powers specified in the clauses attached to that Section, except power to delegate the exercise of any power to a subordinate Revenue Officer.

[a] See Rajputana Official Gazette, dated 5th January 1878.

AJMERE-MERWARA

LAND REVENUE REGULATION RULES.

(As amended and corrected by Chief Commissioner's Notifications Nos. $\frac{488}{1882}$ and $\frac{1892}{1893}$, dated 5th July 1893 and 16th July 1895 respectively.)

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Abu, the 6th February 1889.

[a] No. 110—695—In exercise of the powers conferred by sections 73 and 110 of the Ajmere Land and Revenue Regulation II of 1877, the Chief Commissioner of Ajmere-Merwara is pleased to make the following rules—

UNDER SECTION 73.

Payment of Revenue.

1. The revenue shall ordinarily be paid at the head-quarters of the Tehsil to the Tehsildar, or such subordinate as he, with the sanction of the Collector, may appoint to receive it. With the permission of the Collector the revenue may be paid direct into the head Treasury.

2. The instalments of revenue shall be paid on the dates fixed at settlement, namely, 1st January and 15th June in each year.

3. All money paid into the Tehsil shall be accompanied by an arz-irsal. The arz-irsal shall first be taken to the Wasilbakinavis, who shall, after verifying the correctness of the payment, endorse it for payment to the Tahvildar (Treasurer).

4. No native officer other than the Tahvildar (Treasurer) shall on any account receive or keep any public money whatever.

5. In all cases in which land revenue and cesses are due, the sum paid shall first be credited to cesses, and the balance, if any, to land revenue.

6. On receipt of the arz-irsal endorsed by the Wasilbakinavis, the Tahvildar shall take the money, and enter the payment in his own siaha, and endorsing the arz-irsal with his receipt, pass it to the Siahanavis.

7. The Siahanavis shall, on the authority of the Tahvildar's receipt, enter the sum as paid in his siaha, and shall draw out the dakhila or receipt,

[a] Vide Government of India Gazette Part II for 1889, p. 65. The Notification of the 5th July 1893 is published at page 576 of the Gazette of India, Part II, for 1893, and that of the 16th July 1895 at page 919 of the Gazette of India, Part II, for 1895.

Land and Revenue.]

which, after having been duly signed by the Tahvildar and the Tehsildar, or other officer in charge of the Tehsil, shall be given to the payer.

8. Information of the credit shall then be given to the Wasilbakinavis, who shall note the same in his khatauni (ledger), initialling the siaha to show that he has done so.

9. The dakhila bahis shall be kept in printed counterfoil registers, each book containing one hundred duplicates bound up and pagged.

10. At the end of each day, and before the siaha is sent to the head office, the Wasilbakinavis and the Siahanavis shall compare the siaha with the khatauni, item by item, and the Wasilbakinavis shall number each item in the khatauni with the number borne by such item in the siaha. The Siahanavis and the Tahvildar shall then compare the totals of their siahas, and at once bring to the notice of the Tehsildar or officer in charge of the Tehsil, any discrepancy they may discover. The dakhila bahi shall then be compared with the siaha by the Wasilbakinavis and the Siahanavis.

11. To each arz-irsal a serial number shall be given, according to the order in which the money is credited in the Tahvildar's roznamcha or daily ledger. The series of these numbers shall commence daily, and the Tahvildar shall number each irsal before passing it to the Siahanavis. The same numbering shall be shown in the daily siaha, in the Wasilbakinavis' khatauni, in the dakhila, and in the record of any payments kept up for special departments.

[a] UNDER SECTION 110 (a).

Assessment of Land Revenue—Lands variably assessed.

12. Of land variably assessed to revenue there shall be two classes:—

Class I.—The portions of villages lying in the beds of certain tanks which are liable to submergence, and which have been demarcated by the Settlement Officer.

Class II.—Whole villages in which a standard revenue has been assessed on a standard cultivated area by the Settlement Officer.

13. In lands of Class I, the cultivation of each harvest shall be recorded and measured up. The revenue due shall be found by applying to the cultivated area the rate or rates fixed by the Settlement Officer at settlement.

[a] The rules and forms under Section 110 (a) have been substituted for the original rules by Notification No. 686-562, dated 5th July 1923, *Vide* Gazette of India, Part II, for 1923, p. 576.

[Land and Revenue.

14. In variably assessed villages, Class II, the assessment shall be made by the standard rate assessed at settlement on the cultivated area. This standard rate is the rate for dry cultivation, and to it, as a basis, all other rates in the village must be referred. The other rates are all multiples of the dry rate, and to find the dry unit area, the area under each class of cultivation (chahi, talabi, abi and dry) must be multiplied by the multiple of its own class.

(NOTE.—When the area actually cultivated exceeds the standard area, the excess of the demand over the standard revenue will be credited to Government. When such area falls below the standard area, the difference between the standard revenue and the amount actually demanded will be remitted.)

15. The area to be assessed shall comprise all cultivation except that of “muafi” and “bhum” lands

16. The record of measurements for purposes of assessment shall give the necessary details, or—

1. Lands assessable at well (chahi) rates.
2. Ditto at tank (talabi) rates
3. Ditto at wet (abi) rates.
4. Ditto at dry rates.

17. The assessments shall be made under the superintendence and orders of the Collector

18. The following general rules shall be observed —

- (a) Lands irrigated from a well, existing as such at Mr. La Touche's settlement, shall be liable to assessment at well (chahi) rates.
- (b) Lands irrigated from a village tank or nadi, existing as such at Mr. La Touche's settlement, shall be liable to assessment at the same rate as lands assessed as irrigated from such tank or nadi
- (c) Lands cultivated in the beds of village tanks or nadis, existing as such at Mr. La Touche's settlement, shall be liable to assessment at abi rates.
- (d) Lands irrigated from a well or village tank or nadi, not existing as such at Mr. La Touche's settlement, or lying in the bed of such village tank or nadi and cultivated, shall be assessed as dry.
- (e) Lands assessed at settlement as irrigated or as “abi,” but growing dry crops only, shall be assessed as dry.

Land and Revenue.]

Explanation.—Irrigated includes irrigation from wells, village tanks and nadis referred to in clauses (a) and (b), but does not include irrigation from variably or permanently assessed tanks.

- (f) Lands assessed as irrigated from a permanently assessed tank shall pay full "talabi" rates, whether irrigated or not.
- (g) Lands assessed as irrigated from a variably assessed tank shall pay "talabi" rates under the rules in force for such tanks.
- (h) Lands irrigated from any stream that feeds or issues from any Government tank that has been permanently assessed, or feeds or issues from any such village tank or nadi, as is referred to in clause (b), shall be liable to assessment at "talabi" rates.
- (i) In the case of lands irrigated from different sources in the same harvest, the rate shall be regulated by the source supplying the greatest number of waterings, or where that number is equal, by the source assessable at the highest rate.
- (j) Double cropped dry lands assessed as such shall only pay the assessment for one harvest.
- (k) Lands growing dry crops or crops assessed as dry in the autumn (kharif) harvest shall pay the dry rate only, and if such lands become liable to assessment as irrigated for the spring (rabi) harvest, the rate for this latter shall be the full irrigated minus the amount collected on account of the autumn harvest. Similarly, lands paying full irrigated rates for the autumn harvest, and growing dry crops or crops assessed as dry in the spring harvest, shall not be liable to assessment for the latter.
- (l) Lands paying a higher rate for their position under a variably assessed tank shall be assessed at this higher rate, if cultivated, even though not irrigated during that harvest.
- (m) Lands growing fodder crops for cattle in the hot weather shall not be liable to assessment, and in no case shall lucerne grass grown under wells pay more than a single rate for the whole year. Under each well, land cultivated with lucerne grass shall, to the extent of one bigha, be assessed at dry rates only.

Land under lucerne grass in excess of that area shall be assessed at the usual rate.

[Land and Revenue.

19. When the total demand of a village for the harvest has been found, the amount payable by each sharer will be found by multiplying the standard rate into the area of his cultivation as shown in the "khatauni."

20. The Commissioner may declare, that in any particular village the crop on unirrigated land has been only a three-quarter crop, or half crop, or quarter crop, or *nil*, and may reduce the assessment on such land accordingly. If the crop on such land has only produced the amount of grain required for seed grain, it shall not be assessed.

21. When the actual assessable cultivated area has been found by the above rules, the assessment shall be made in the manner indicated in Rule 14.

Example.—At the time of settlement, the Settlement Officer determined that the assessable area of a village ordinarily cultivated was :—

Acre.				Rate of assessment per acre.	Total. assessment.	
				Rs a. p.	Rs a. p.	
Dry	124	...	0 10 0	77 8 0
Abi		...	40	...	1 9 0	62 8 0
Tank	8	...	2 13 0	22 8 0
Well	.	..	50		3 12 0	187 8 0
TOTAL			222	..	350 0 0	

This area is reduced to a multiple of dry units in the following manner:—

The abi rate of Rs. 1-9 the acre is $2\frac{1}{2}$ times the dry rate

The tank rate of Rs. 2-13 the acre is $4\frac{1}{2}$ times the dry rate.

The well rate of Rs. 3-12 the acre is 6 times the dry rate.

The area in terms of dry units will therefore be :—

Dry	...	...	$124 \times 1 = 124$	acres.
Abi	...	...	$40 \times 2\frac{1}{2} = 100$	"
Tank	..	...	$8 \times 4\frac{1}{2} = 36$	"
Well	.	.	$50 \times 6 = 300$	"
TOTAL ...				560 "

This 560 acres is called the standard dry unit area, and when multiplied by the dry rate of 10 annas gives the standard revenue of Rs. 350.

22. An English register in the following Form (No I) shall be kept up in the Collector's Office, and an opening of two pages shall be assigned to each variably assessed village. In the register the assessment of each harvest shall be recorded.

Land and Revenue.]

23. In the column of remarks of the above register, a brief note of any of the remarkable events of the year, as affecting the revenue history of the village, shall be entered.

24. In villages variably assessed, the Lumberdars' fees shall be five per cent on the amount actually collected by them, and all the cesses shall be calculated on the annual demand.

25 With his annual Revenue Report, the Collector shall submit three statements in the forms (Nos. II, III, and IV) given below :—

Statement No 1 (Form II) refers to the assessment of variably assessed beds of tanks It shall be prepared separately for each harvest and submitted, whether any assessments have been made or not.

Statement No. 2 (Form III) refers to the assessment of variably assessed villages in the autumn (kharif) harvest.

Statement No. 3 (Form IV) refers to the assessment of variably assessed villages in the spring (rabi) harvest.

FORM No. I.

Register of Assessments of variably assessed villages.

NAME OF VILLAGE.					STANDARD REVENUE.				STANDARD DRY RATE.
YEAR.	AUTUMN (KHARIF) HARVEST				SPRING (RABI) HARVEST.				Total assessment of year.
	Actual area assessed.	Dry unit area.	Rate.	Assessment.	Actual area assessed.	Dry unit area.	Rate.	Assessment.	
1	2	3	4	5	6	7	8	9	10

Land and Revenue.]

FORM No. II.—STATEMENT No. 1.

Return of Assessment of variably assessed beds of tanks (for each harvest separately) in the District of
in the year 18 .

Serial Number.	Name of tank.	Name of village.	CULTIVATED AREA.			RATE.		ASSESSMENT.			REMARKS.
			Irrigated.	Unirrigated.	Total.	Irrigated.	Unirrigated.	Irrigated.	Unirrigated.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12

UNDER SECTION 110 (c).

Appointment and removal of village Headmen and Patels.

26. The number of Lambardars and Patels, as fixed at Mr. Whiteway's settlement, shall not be altered except by order of the Commissioner.

27. The appointment of Lambardars and Patels shall be made by the Collector after a summary inquiry as to the right of succession in accordance with local custom as recorded in the Wajib-ul-urz. Provided that where no record of such custom exists, the candidate supported by the largest number of those sharers who would have to pay through him shall, if not otherwise disqualified, be elected.

28. The Collector shall notify in the village the name of the person whom he proposes to appoint, or who shall have been elected, as the case may be, as Lambardar or Patel, and shall call on the Khewatdars concerned to state their objections, if any, within the space of one month.

29. No minor or female shall, except for special reasons, be appointed where by the custom of the village another sharer is eligible, and if appointed an adult male agent shall be nominated to represent the minor or female.

30. Subject to appeal to the Commissioner, the Collector may refuse to appoint any person as Lambardar or Patel, or may remove from his appointment any Lambardar or Patel, on any of the following grounds—

- (a) That he is not a sharer in the village.
- (b) That his share in the village is heavily burdened with mortgages or other encumbrances.
- (c) That he is not in possession of his share in the village.
- (d) That he is incompetent to perform the duties of the office.
- (e) That he has been convicted of an offence which, in the opinion of the Collector, disqualifies him for holding the appointment, or that he is of notoriously bad character.

31. A Lambardar or Patel may be fined by the Collector for neglect of duty, whether such neglect arises from not carrying out orders, or from disobeying any rules laid down for his guidance, or from wilful delay in paying the instalment of the Government demand. The amount of such fine shall not exceed the pay due to him for the harvest in the course of which the fine is inflicted.

32. As soon after the collection of an instalment of land revenue as may be practicable, the Tehsildar shall draw up a list of the Lambardars and Patels in his Tehsil, showing against their names the amount of revenue

Land and Revenue.]

H.—At the time fixed for the audit of village accounts, to explain them to the assembled sharers, obtaining their signatures to his accounts.

I.—To furnish any sharer on demand with a written statement of his account free of cost.

J.—To supervise the work of an Assistant Patwari appointed in his circle.

37. In addition to the ordinary duties and responsibilities hereinafter prescribed for Supervisors, the Head Supervisor is responsible for:—

(a) The custody of the Supervisor's and Patwari's records filed in the Tehsil.

(b) The custody and issue of blank registers and records to the Patwari.

(c) The disbursing of the Patwari's pay and keeping accounts of the same.

(d) The correct preparation of the Tehsil totals from the register kept by himself and the other Supervisors.

(e) Keeping records of cases of encroachment on Nazul or Government property, condition of crops, destruction or decay of village or survey boundary-marks, and emigration of cultivators.

(f) Keeping the Muafi registers and the registers of Imlak-Wakf and Nazul properties.

(g) Completing the general returns of the Tehsil from statistics furnished by the Supervisors.

38. The duties and responsibilities of a Supervisor are:—

(a) To keep the following registers in such forms and in such manner as may be directed by the Collector, with the previous sanction of the Commissioner:—

I. Register of proprietary mutations.

II. Village registers in two parts:—

1. Revenue.

2. Area and crops.

III. Special Registers for villages, tanks, and beds of tanks variably assessed.

[Land and Revenue.

IV. Registers of Patwaris.

- (b) To generally superintend the out-door work of the Patwaris of his circle, and see that orders are strictly carried out.
- (c) To keep the village maps up to date.
- (d) To make local enquiries under the orders of the Collector or the Tehsildar as to the correctness of entries in the Village records, or to collect statistical information relating to land or agriculture.

NOTE.—The Supervisor shall not be appointed a Commissioner for the purpose of local investigation by a civil court without the consent of the Collector.

- (e) To verify the life and report the death of any pensioner or life muafidar to the Tehsildar.
- (f) To keep a register of the Lambardars of his circle.
- (g) To supervise the working of the Irrigation Rules, and the irrigation from all Government tanks, and furnish for his own circle the totals of the forms prescribed from time to time for recording the results of irrigation.
- (h) To keep a diary of the work performed by him, and send the same through the Tehsildar to the Collector once a month, any matter requiring special orders being separately reported.

NOTE.—The diary shall show the name of each village visited during the day, and the total number of the fields tested.

- (i) To submit through the Tehsildar to the Collector on the prescribed dates such periodical returns of the various classes of his work as may be called for.
- (j) To see that the Patwaris obey all rules prescribed for their guidance, reporting to the Collector all cases of infringement of orders.
- (k) To get the maps of all villages in his circle corrected and kept up to date by the Patwaris, and apply for appointment of an Amin from the pay of Patwari, if he is incapable of doing his work.

NOTE.—The following corrections should be always made: new roads, hamlets, wells, nadis, tanks and fields: also where a field has been permanently divided, or wherein the shifting cultivation of Halsara land, any field boundary has become permanent.

- (l) To test from time to time the chains used by the Patwari.

Land and Revenue.]

[m] To apply to the Collector for fresh skeleton survey map of the village, to be filled in by the Patwari, whenever the existing map is worn out or has from any cause become obsolete.

39. The Supervisor shall test the entries of the Khasra on the spot, and see that all fields of the map have been included, and all new cultivation measured up. That the total areas of the Khasra agree with those of the previous year, and with that of the year of measurement, that totals of each page are correct, and that the Khasra statements agree with the Khasra.

40. The Supervisor shall test at least seven per cent. of the Khasra entries in each harvest, initialling each number tested. The testing will extend to all entries against the number, and in such testing at least seven per cent. of the cultivated numbers must be included.

NOTE.—The work of testing the Kharif entries must be completed by November 1st, and the Rabi by March 1st. The extra hot-weather crops must also be tested.

41. On receipt of the report from the Patwari of the death of any sharer, or the change in any proprietary or muafi right in any village, the Supervisor shall, after testing the accuracy of the report, forward it for necessary action to the Tehsildar.

42. The Supervisor is responsible that the slips of changes in the village map filed yearly by the Patwari are kept in safe custody, and that the office copy of the same is corrected as may be ordered from time to time by the Commissioner.

43. The following shall be among the duties of a Tehsildar under Regulation II of 1877 :—

(a) To collect the land revenue, cesses, and other items, for the collection of which he receives a regular order, and to check the Tehsil accounts, and see that they are carefully kept.

(b) To keep in safe custody all Government moneys and property which may be placed in his charge.

(c) To report to the Assistant Commissioner all cases in which revenue-free grants or other grants or immovable property lapse to Government by the death of the holder or otherwise. Also all calamities affecting the crops, and any sickness, epidemic, or mortality among men or cattle.

[Land and Revenue.

- (d) To supervise the proceedings of his subordinates, and to see that all rules are observed.
- (e) To see that the Supervisors and Patwaris perform their duties properly, and that their registers and records are correctly kept up to date.
- (f) To collect supplies for troops and Government officers marching through the Tehsil.
- (g) To gauge the rain register and report on the prescribed date to the Assistant Commissioner all falls of rain.
- (h) To act generally as the Executive Officer of Government under the direction of the Assistant Commissioner in all matters connected with the land revenue administration of his Tehsil.

44. The Naib Tehsildar is the assistant of the Tehsildar, and will take over such work as is transferred to him, subject to the orders of the Assistant Commissioner.

UNDER SECTION 110 (d)

To regulate the procedure of Revenue Officers and Arbitrators acting under the Land and Revenue Regulation II. of 1877.

45. The procedure of Revenue Officers in compelling the attendance before them of the parties to proceedings and witnesses, the mode of recording evidence, and the production, rejection, and admission of documents, and the issue of commissions for local investigations, &c., shall be regulated as far as practicable by the rules contained in the Code of Civil Procedure.

46. Arbitrators shall ordinarily be chosen by the parties, but in cases of partition and boundary disputes, a Revenue Officer not below the rank of Assistant Commissioner may in his discretion refer matters in dispute to arbitrators appointed by himself.

47. The arbitrators shall submit their award only with reference to the point or points referred to them in the order of reference, a copy of which shall be furnished to each member of the arbitration.

48. The Revenue Officer shall appoint a day for the submission of the award, and may in his discretion extend the time so fixed.

49. In case of difference of opinion the decision of the majority of the arbitrators shall be accepted.

50. The Revenue Officer may remit the award for reconsideration if it is incomplete or defective.

Land and Revenue.]

51. The Revenue Officer may, for reasons to be recorded in writing, on sufficient cause shown, decline to accept an award, or may accept it with such modifications as he may think fit to make, but ordinarily he shall pass an order consistent with the award.

52. The Revenue Officer may make such order as he thinks fit respecting the costs of the arbitration.

UNDER SECTION 110 (e).

Investigation by the higher Revenue Officers of charges of misconduct preferred against Revenue Officers of lower grade.

53. The investigation by the higher Revenue Officers of charges of misconduct preferred against Revenue Officers of a lower grade shall be made in conformity with the Government of India Resolution No. ~~1333-1100~~, [a] dated 29th July 1879: Provided that the Assistant Commissioner in charge of the District, instead of dealing with the case departmentally, may, with the sanction of the Commissioner, refer it to a Criminal Court for enquiry and trial.

UNDER SECTION 110 (f.)

Fees to be charged for the service of process issued under the Land and Revenue Regulation II, of 1877, and to regulate the costs in all proceedings before a Revenue Officer.

54. The fees to be charged for the service of process issued under Regulation II of 1877, shall, unless hereinafter expressly provided, be regulated by rules framed under the Court Fees Act, and shall be levied in Court Fee Stamps.

55. The Revenue Officer shall have full power to give and apportion costs in any manner he thinks fit; every order relating to costs may be executed under the rules relating to the execution of decrees for money.

UNDER SECTION 110 (g.)

Form of notice or notification required by the Land and Revenue Regulation II, of 1877, to be served or published, and the mode in which such notice or notification shall be served or published.

56. A writ of warning and warrant of arrest issued in connection with a default in payment of revenue shall be in the following forms, Nos. V. and VI. They shall be issued in duplicate, and shall be signed by the Wasilbakinavis and the Tehsildar. The fee payable on the writ of warning shall be twelve annas, and on the warrant of arrest one rupee eight annas:—

COUNTERFOIL.

FORM No. V.

Writ of Warning

Whereas

, son of

resident of

, Mouzn

Pargana

, has made default in the sum of Rs.

, due for the following kists, this

writ of warning is issued requiring him to pay the same within the space of

, together with

the costs of this writ, namely, Rs.

Serial No.	Village and Pargana.	Date of issue.	Name, caste, and parentage of defaulter.	Kist on which arrears is due.	Amount due.	Arrears	Name of Messenger.	Date of service.	Date of messengers returns.
1	2	3	4	5	6	7	8	9	10

(Sd.)

Wasitbakhtavis.

Date

(Sd.)

Tehsildar.

FORM No. V.

Writ of Warning

Whereas , son of , resident of , Mouza , has made default in the sum of Rs. , due for the following kists, this writ of warning is issued requiring him to pay the same within the space of , together with the costs of this writ, namely, Rs.

Serial No.	Village and Pargana	Date of issue.	Name, caste, and parentage of defaulter.	Kist on which arrears are due	Amount due.	Attains.	Name of Messenger.	Date of service.	Date of messenger's returns.
1	2	3	4	5	6	7	8	9	10

(Sd.)

Wazilbakhsh.

(Sd.)

Tehsildar.

Date

Land and Revenue.]

57. Service of the writ of warning shall be made by tendering or delivering to the defaulter one of the copies carried by the messenger. The signature or mark of the defaulter and of two respectable witnesses shall be taken on the back of the other copy in proof of the service, and copy shall then be returned to the officer issuing the process. In the case of the warrant the necessary endorsement shall be made by the issuing officer.

If the defaulter is absent from his village the service shall be affected in the manner prescribed by the Code of Civil Procedure.

58 A register of writs of warning and warrants of arrest shall be kept by Tehsildars in the following Form (No. VII) and submitted monthly to the Collector for perusal :—

COUNTERFOIL.

Warrant of Arrest

FORM No. VI.

Order addressed to
Whereas

, son of
, resident of
, has made default in the sum of Rs.
Pargana
are hereby directed to bring the defaulter to the Tehsil on or before the
Amount
Kists

, Mouza
, due for the following kists, you
day of
18 .

(Sd.)

Tehsildar.

Duly empowered under Section 77, Land and
Revenue Regulation II. of 1877



FORM No. VI.

Warrant of Arrest.

Order addressed to
Whereas

, son of
, resident of
, has made default in the sum of Rs.
Pargana
are hereby directed to bring the defaulter to the Tehsil on or before the
Amount
Kists

, Mouza
, due for the following kists, you
day of
18 .

(Sd)

Tehsildar.

Duly empowered under Section 77, Land and
Revenue Regulation II. of 1877.

{Land and Revenue.

Land and Revenue.]

FORM No. VII.

Register of writs of warning and warrants of arrest issued in the Tehsil of *189 .* *during the*
month of

No. of writs of warning issued.	No. of warrants of arrest issued.	Amount of arrears for which writs and warrants issued.	FEES FOR WRITS AT 12 ANNAS EACH, AND WARRANTS AT RS 1-8 EACH					REMAINS.
			Due from previous month.	Due for current month.	Total.	Realized.	Balance due.	
1	2	3	4	5	6	7	8	9
		R	R	R	R	R	R	

Land and Revenue.]*Form of Proclamation under Section 82 of Land and Revenue Regulation.*

Whereas the following land (here described) has been attached under Section 82 of Regulation II of 1877 for an arrear of land revenue, notice is hereby given that no payment made after this date on account of rent, or of any other asset to any person other than the Assistant Commissioner or his Agent, shall be credited to the person making such payment, or relieve him from his liability to payment to the Assistant Commissioner or his Agent.

Dated

(Sd.)

*Assistant Commissioner.**Form of Notification under Section 92 of Land and Revenue Regulation.*

Whereas an arrear of land revenue, as detailed below, has accrued in respect of (here describe land) from the (here give date), this is to inform you that unless the said arrear is paid within 15 days of the receipt of this notice, your land as aforesaid will be sequestered, and you will be excluded therefrom for fifteen years from the date of sequestration.

*Kist**Amount*

Dated

(Sd)

Assistant Commissioner.

The Proclamation and Notification above referred to shall be made known by posting a copy of the same in the village Hatai, and also in the Tehsil office.

By Order,

E. A. FRASER, MAJOR,

*First Asst. to the Agent to the Govr.-Genl., Rajputana,
and Chief Commr., Ajmere-Merwara.*

[Land and Revenue.

The 17th January 1895.

[a] No. 209-I.—In exercise of the powers conferred by sections 24 and 34 of the Ajmere Land and Revenue Regulation (II of 1877), the Governor-General in Council is pleased to appoint the Chief Commissioner, Ajmere-Merwara, to decide all questions as to the right to succeed to an Istimrari estate in cases not provided for by section 23 of the said regulation, or to Bhum in cases not provided for by section 33 thereof.

The 16th July 1895.

[b] No. 801-562-III.—The Chief Commissioner of Ajmere and Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend to the Chief Commissionership of Ajmere and Merwara, under sections 5 and 5A of the scheduled Districts Act, 1874, the provisions of sections 33 to 40 (both inclusive), sections 44 to 46 (both inclusive), and section 98 of the Punjab Land-revenue Act, XVII of 1837, subject to the modifications appearing in, and in relation to those sections as set forth in the schedule to this notification.

SCHEDULE.

A.—(S. 33) (1) When the settlement-record has been made over to the Collector under section 69 of the Ajmere Land and Revenue Regulation, 1877, he shall cause to be prepared by the patwari of each estate yearly, or at such other intervals as the Chief Commissioner may prescribe, an edition of the settlement-record amended in accordance with the provisions of this Schedule. Annual record.

(2) This edition of the settlement-record shall be called the annual record for the estate, and shall comprise the third, fourth, fifth, and sixth documents mentioned in section 65 of the Ajmere Land and Revenue Regulation, 1877, and such other documents, if any, as the Chief Commissioner may, with the previous sanction of the Governor-General in Council, prescribe.

(3) For the purposes of the preparation of the annual record, the Collector shall cause to be kept up by the patwari of each estate a register of mutations and such other registers as the Chief Commissioner may prescribe.

[a] *Code Gazette of India*, dated January 19th 1895, part I, p. 23.

[b] *Gazette of India*, Part II, dated 27th July 1895, p. 17.

Land and Revenue.]

Making of that part of the annual record which relates to owners, assignees of revenue and occupancy tenants.

B. (S. 34.) (1) Any person acquiring by inheritance, purchase, gift, or otherwise, any right in an estate as an owner, assigned of land- or tenant with a right of occupancy, shall report his acquisition of the the patwari of the estate.

(2) If the person acquiring the right is a minor or otherwise disabled his guardian or other person having charge of his property shall make to the patwari.

(3) The patwari shall enter in his register of mutations every made to him under sub-section (1) or sub-section (2), and shall also entry therein respecting the acquisition of any such right as aforesaid he has reason to believe to have taken place, and of which a report have been made to him under one or other of those sub-sections, and been so made.

(4) A Revenue-officer shall from time to time inquire into the correctness of all entries in the register of mutations, and into all such acquisitions aforesaid coming to his knowledge of which, under the foregoing sub-report should have been made to the patwari and entry made in that and shall in each case make such order as he thinks fit with respect entry in the annual record of the right acquired.

(5) Such an entry shall be made by the insertion in that record description of the right acquired, and by the omission from that record entry in any record previously prepared, which by reason of the acquisition has ceased to be correct.

Making of that part of the annual record which relates to other persons.

C. (S. 35) The acquisition of any interest in land other than referred to in sub-section (1) of Section B of this schedule shall, (1) if disputed, be recorded by the patwari in such manner as the Chief Commissioner may by rules in this behalf prescribe; and, (2) if not disputed, be by the patwari in the register of mutations, and dealt with in the prescribed in sub-sections (4) and (5) of section B of this Schedule.

Determination of disputes as to entries in settlement records, annual records and registers of mutations

D. (S. 36.) (1) If during the preparation of a Settlement-record annual record, or in the course of any inquiry under part III (B) Ajmere Land and Revenue Regulation 1877, or under section B or C Schedule a dispute arises as to any matter of which any entry is to be in such record, or in a register of mutations, a Revenue-officer may of motion or on the application of any party interested, but subject to the provisions of Section F of this Schedule, and after such inquiry as he may fit, determine the entry to be made as to that matter.

(Land and Revenue.

(2) If in any such dispute the Revenue-officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order, direct that that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register.

E. Any person who considers himself aggrieved by any entry in an annual record or register of mutations, or by any direction as to possession made under sub-section (2) of section D of this Schedule, may appeal to the authorities to whom an appeal lies under the Ajmere Land and Revenue Regulation, 1877, or when the entry is one in the third or fourth document mentioned in section 65 of that Regulation, or in the case of such a direction as aforesaid may, either instead of so appealing or if dissatisfied with the order passed on his appeal by any such authority, bring a suit in the Civil Court against any other persons interested in such entry, or direction to have such entry amended or such direction reversed or varied.

Mode of
contesting
orders as to
entries other
than entries
referred to in
Regulation
II, 1877, s. 67.

F. (S. 37.) Entries in settlement-records or in annual records, except entries made in annual records by patwaris under clause (1) of section C of this schedule with respect to undisputed acquisitions of interests referred to in that section, shall not be varied in subsequent records otherwise than by—

Restrictions
on variation
of entries in
records.

(a) Making entries in accordance with facts proved or admitted to have occurred;

(b) Making such entries as are agreed to by all the parties interested therein, or are supported by a decree or order binding on those parties;

(c) Making new maps where it is necessary to make them.

G. (S. 38) (1) The Chief Commissioner may fix a scale of fees for all or any classes of entries in a settlement-record, annual record or register of mutations, and for copies of any such entries.

Mutation
fees.

(2) A fee in respect of an entry shall be payable by the person in whose favour the entry is made.

H. (S. 39) Any person neglecting to make the report required by section B of this Schedule within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under section G of this

Fine for neg-
lect to report
acquisition of
any right re-
ferred to in
section B.

Land and Revenue.]

Schedule if the acquisition of the right had been reported immediately at its accrual.

Recovery of fees and fines.

I. (S. 38) Any fee payable under section G, or fine imposed under section H of this Schedule shall be recoverable as if it were an arrear of revenue, and as if the person from whom it is due were a defaulter in respect of such an arrear.

Obligation to furnish information necessary for the preparation of records.

J. (S. 40) Any person whose rights, interests or liabilities are required to be entered in a settlement record or annual record shall be bound to furnish on the requisition of any Revenue-officer, Supervisor, Kanungo or Patwari engaged in compiling the record, all information necessary for the correct compilation thereof.

Presumption in favour of entries in settlement-records and annual records.

K. (S. 44) An entry made in a settlement record or in an annual record in accordance with the law for the time being in force and the rules thereunder shall be presumed to be true until the contrary is proved or a new entry lawfully substituted therefor.

Suit for declaratory decree by person aggrieved by an entry in a record.

L. (S. 45.) Any person who considers himself aggrieved as to the right of which he is in possession, by an entry in a settlement record or in an annual record, may institute a suit for a declaration of his right.

Power to make rules respecting records and other matters connected therewith.

M. (S. 46) The Chief Commissioner may, subject to the control of the Governor-General in Council, make rules—

- (a) Prescribing the language in which settlement records, and records and registers of mutations and other prescribed registers are to be made;
- (b) Prescribing the form of those records and registers and the manner in which they are to be prepared, signed and attested;
- (c) For the survey of land so far as may be necessary for the preparation and correction of those records and registers;
- (d) For the conduct of inquiries by Revenue Officers under Part (B) of the Ajmere Land and Revenue Regulation 1877 under section B or C of this Schedule; and,
- (e) Generally, for the guidance of Revenue Officers, Supervisors, Kanungos and Patwaris in matters pertaining to records and registers mentioned or referred to in this Schedule.

[Land and Revenue.

N. This schedule shall be read as p rt of the Ajmere Land and Revenue Regulation 1877, and expressions used therein shall have the same meaning as they respectively have in that Regulation.

Schedule to
be read with
Regulation II
of 1877.

[a] No. 802-562 III.—Under the authority vested in him by sections G and M of the schedule attached to this office Notification [No 801-562 III, dated 16th July 1895,] the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to issue the following rules for the maintenance of the settlement record in Ajmere-Merwara :—

- (1) All cases in which mutation of names is necessitated, either by the death of the recorded proprietor or muafidar or otherwise, and which have been reported through the Patwari under sub-sections 1 and 2 of section B of the Schedule above referred to, or which have been brought to notice directly, shall be disposed of by the Revenue-officer concerned, that is by the Deputy Magistrate of Kekri or the Tehsildar or the Naib-Tehsildar in whose revenue circle the village in which the case occurs is situated
- (2) A register of mutation of names shall be maintained at each Tehsil in the following form (No 1), in which all such cases shall be entered, provided that, in cases which have not been reported to the Revenue-Officer by the Patwari or Girdawar no mutation shall be made until the Patwari or Girdawar has had an opportunity of reporting thereon.

Land and Revenue.]

FORM NO. I.

Register of Mutation of Names.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Date of death of the recorded proprietor or usufruct or other cause of action.	Date of report	Date of entry.	Name of village.	Number of case.	Names and description of parties.	Specification of land regarding which mutation is sought or required.	Date fixed for enquiry.	Final order, with brief abstract of Statements of parties and witnesses (if any) explaining grounds of decision if the question of right is summarily decided.	Date of decision.	Nature of objections and final order thereon.	Note of appellate decision with date.	Amount of fees due.	Amount realized and when.	Date or dates of payments into treasury.	REMARKS

A corresponding form shall be maintained by each Patwari.

- (3.) Having fixed a day for the disposal of the mutation cases of the villages in any neighbourhood, the Revenue officer concerned shall issue notices to such villages in the following form (No. II.) Such notices shall never be served less than 15 days before the day fixed for the decision, and shall be posted in some conspicuous place in the village Hatai:—

FORM NO. II.

Notice No. I.

Whereas the following CASE for mutation of names has been reported in the village of _____, Tehsil _____, this is to give notice that on the day of _____ 189 , the undersigned will be present in the said village of _____ for the purpose of enquiring into the facts of the CASE and for passing a decision thereon. Parties have been reported is pending

[Land and Revenue.

concerned are hereby directed to be in attendance with such documentary or oral evidence as they may wish to produce_____

(Sd) *Name of officer.*

Designation of Officer.

Dated

- (4) On the day fixed, the Revenue-Officer shall record the result of the enquiry made by him in column 9 of the Register (Form No I) It will not be necessary to prepare a separate record of the statements of the parties or their witnesses. If the parties fail to attend, the case shall be decided on the statements of the village Patwari, the Lambardars, and other respectable witnesses present on the spot.
- (5) In all cases disposed of under the preceding rule, a notice shall be issued in the following form (No. III) inviting objectors to come forward within fifteen days. The notice shall be served in manner laid down in Rule 3.—

FORM No III

Notice No. II

The following mutation of names having been ordered under Rule 5 of the rules framed under sections G and M of the Schedule attached to this Office Notification No. 801-562 III, dated the 16th July 1895, notice is hereby given to objectors to appear before the undersigned on or before the _____ day of _____ 189 , to state their objections:—

Date of order	Number of Khata.	Area.	Name of recorded owner.	Name of person in whose favor mutation of names is proposed to be made.	REMARKS.
1	2	3	4	5	6

(Sd) *Name of Officer.*

Designation of Officer.

Dated

Land and Revenue.]

- (7) No mutation of names shall be made in the Register until the objections, if any, have been heard and determined.
 - (8) Should the objections preferred within the prescribed period be allowed, the Revenue-Officer shall modify or alter his original order as may seem to him equitable, and record it in column 11 of the Register (Form No. 1).
 - (9) In all mutation cases, whether disputed or undisputed, a fee of Re. 1-4-0 per cent on the income of *Khalsa* and Rs. 2-8-0 on that of *Muafi* lands shall be levied; provided that the minimum fee shall be 4 annas for *Khalsa* and 8 annas for *Muafi* lands. An extract from the Register (Form No. 1) showing the amount of fees levied and the dates of payment into the Treasury, shall be sent once a month to the Collector.
 - (10) The Revenue-Officer concerned shall visit each village in his Revenue circle at least once in every three months to clear off mutation cases.
 - (11) Every Patwari shall bring to the notice of the Revenue-Office concerned any case in which a person within his circle has neglected to report the death of the recorded proprietor or muafidar, or other cause of action necessitating the mutation of names, within three months of its occurrence, for orders under section II of the Schedule.
 - (12) So much of this Office Notification No. 110-695, dated 6th February 1889, as relates to the issue of rules under section 70 of the Ajmere Land and Revenue Regulation II, of 1877, is hereby cancelled
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[Land and Revenue.

(Tenure of houses and buildings in Istimrari Estate.)

Letter No 3577, dated the 31st August 1852, from the Assistant Secretary to the Government for the N. W. P. to the Superintendent of Ajmere.

With reference to Mr. Officiating Secretary Allen's letter No. 1461 to the address of your predecessor, dated the 26th April 1849 on the subject of complaints made by the British subjects residing in the Estates of the Istimrardar, that they did not allow them to mortgage or sell their own houses, I am desired by the Honorable the Lieut.-Governor to transmit for your information the accompanying extract (para 80) of a letter from the Honorable the Court of Directors, dated 2nd June last, No. 7 on the subject.

Extract Para 80 from a despatch from the Honorable the Court of Directors No. 7, dated the 2nd of June 1852.

Para 80th. The decision passed by the Lieutenant-Governor is evidently a just one. It would be a great hardship and contrary to all rules of justice and equity to confer independent rights on the owners or builders of houses on their (the Istimrardar's) Estates

162. Complaints being preferred from British subjects that Istimrardars did not permit them to sell their own houses. The Lieutenant-Governor declines to interfere.

Land and Revenue.]

(CORRESPONDENCE RELATING TO JAGIR
ESTATES.)*No. 2246, dated Ajmere, the 17th July 1874.*From—LESLIE S SAUNDERS, Esq, Commissioner, Ajmere and
Merwara.

To—THE CHIEF COMMISSIONER, Ajmere and Merwara.

SIR,

I have the honor to submit, for the orders of Government, 36 copies of a Printed Report, and correspondence, as per margin, on the Jaghire tenures of this District, which contains the Committee's recommendation for the future recognition of such holdings, and the conditions on which they are proposed to be continued, as grants from the British Government

Settlement Officer's No. 492,
dated 30th October 1873.
Commissioner's No. 3784,
dated 31st October 1873
Deputy Commissioner's
No. 1151, dated 6th November 1873.
Commissioner's No. 3830,
dated 11th November 1873
Committee's Report, dated
16th May 1874.

2 The appointment of this Committee was suggested by the Settlement Officer, Mr La Touche, and to him and Maharaj Kishen, Settlement Extra Assistant Commissioner, are we now indebted for the very clear and valuable exposition of the present condition of these grants, and I trust the acknowledgment of Government may be specially accorded to those Officers as well as to the Committee generally, which it will be seen consisted of four official members, and four of the principal Jaghiredars of the District, and the recommendations of this influential body, (being unanimous) are, I would submit, deserving of much weight.

3 In submitting this Report for the orders of Government, I propose in the first instance, to summarize the general facts elicited and recorded by the Committee, then to state the recommendations of the Committee; and lastly, to state my own opinions on the subject, which, it will be seen, are generally in accord with those of the Committee, which recommendations may accordingly, I trust, be sanctioned.

4 This District was ceded to the British Government in 1818, and at that time there were 64 Jagir villages. Some 5 of these were shortly afterwards resumed, and it was not till 1829, or 11 years after we had held the District, that any careful enquiry was instituted into these grants; the facts were then collected in the vernacular, by Mr. Cavendish; but it is not till now, or 45 years after that date, that any detailed report on this subject has been submitted to Government, while the Jaghire villages have now, for the first time, been measured, mapped, and their statistics brought to record

[Land and Revenue.

5. There are now 54 Jaghires, of which 51 are entire villages (*see para 4 of report for explanation of apparent discrepancy*) These have been divided by the Committee into 3 Classes, :—

Class I.—Endowments of Religious Institutions holding 25 Villages.

Class II.—Grants to Individuals . " 24 "

Class III.—Corporations " 5 "

6. We find that there are altogether six Religious Institutions, receiving grants from our Government at present, of which two are the Mahomedan Mosques, or Dargahs, at Ajmere, and Taragarh, belonging respectively to the rival sects of the Soonnee and Sheea persuasion, another is a Mahomedan tomb near Ajmere, the fourth is the famous Hindoo Temple of Nathdwara, in the Oodeypore State, largely endowed by all the Rajpoot States, while another is a Hindoo Mausoleum or Tomb; and the sixth is a local Temple of new date established by an ascetic, known as the Dudhadharee, because his sole food consisted of a diet of milk (or *dudh*.)

7. Under the head of Religious Institutions, the Committee have included as a sub-division, villages held by office-bearers of these Institutions, in lieu of the usual perquisites generally attaching to their office, there are three villages, of this class, besides a very large number of small grants to servitors (*Khadims*) and other attendants attached to these temples

8. The second class of grants, viz, those to individuals, the Committee have also sub-divided into two grades, the first grades being 9 in number are those who are now in possession of not less than $\frac{1}{2}$ a village, and to whom the grant descends, or ought to descend, by right of primogeniture, the second grade are the subordinate sharers in the villages 8 in number, in which the Committee recognize Jaghiredars of the first grade; and the general body of sharers in those grants, which are sub-divided, and descend according to the ordinary rules of inheritance, and which grants have consequently become of comparatively small importance; these Jaghires are composed of 4 whole villages, with portions of 2 others, and a portion of Dilwaree, to which as it belongs to a separate Jaghiredar, the principle of primogeniture has not been proposed to be extended.

9. The third class of grants, viz., those to Corporations, are those held by bodies of men, and not by individuals; the servitors, (or *Khadims*) of the Soonnee Dargah, in the city of Ajmere, hold 3 villages, while the Brahmins of Pokhar hold two more.

Land and Revenue.]

10. The Committee have also recorded a short and succinct history of each of the important grants held in the District, showing how, by whom, and for what purposes, such privileges were accorded; this information will be most useful to the Local Officers, in all future references on these points, but does not require in this place notice further than to state that of these grants, 39 owe their origin to the comparatively improvident dynasty of the Mahomedans, 12 to the Maharatta rule, 1 to the Rahtore Rajpoots, and only 2 to the British Government.

11. The area of these Jaghirs (exclusive of Revenue-free-holdings, and Bhoom lands) as now discovered, for the first time by measurement, is 1,37,955 acres, of which only 10,156 acres are protected by wells, and of this nearly one-quarter is assigned to parties other than the Jaghiredars; the approximate revenue of the whole of this area is only set down by the Committee as Rs. 91,000, and of this nearly one-half or Rs. 42,740 belongs to the Religious Endowments, the revenue is levied in kind, the proportion of the crop taken, however, varies considerably, in some villages half the produce is demanded, but the average rate is believed to be between $\frac{1}{3}$ rd and $\frac{1}{4}$ th the produce, in addition to this, heavy cesses are taken, aggregating 16 per cent. of the total collection, these cesses which are so liable to increase immoderately, have now all been brought to book in the present Settlement, to prevent further exactions in future on this account.

12. The rights in these Jaghire estates as between the persons cultivating, and the Jaghiredars, have also been judicially enquired into, and summarily adjudicated upon, by the Settlement Officer; in a few instances these awards have been contested in regular suits, in the civil courts; and speaking generally, the decisions (according to an ascertained custom of these parts) have made the Jaghiredars, except where the cultivators were located previous to the grant, landlords or proprietors of all waste and uncultivated lands as well as in all cultivated land, dependant alone on the rain-fall, while in lands protected by wells, or other irrigation works, the cultivator has been declared full proprietor, subject of course to payment of the usual assessment either in cash or kind to the Jaghiredar.

13. The proposals of the Jaghire Committee, I ascertain to be ten in number, as follows:—

I.—An alteration in the condition of the grant made by the British Government to the Dudhadharce. (*Vide para. 21 of the Committee's Report.*)

- II.—A recommendation to oblige the managers of all Religious Institutions to file yearly accounts in the Deputy Commissioner's Office (*para. 24*).
- III.—The recognition of all sub-grants hitherto made in Jaghirs of Class I; but a prohibition, by an entry in the Sanads to all such Grants in the future (*para. 26*).
- IV.—An entail to be instituted, where it may not already exist for the larger sharers in the Jaghire villages held by persons of Class II (*paras 28, 34, 40 and 42*).
- V.—The subordinate sharers, in the 8 Villages to which the entail is to be extended, to be allowed to sell, mortgage, or make gifts amongst themselves only, succession to continue as at present, but in case of a sharer dying without heirs, his share to revert to the head of the family, with the intention of his eventually becoming sole Jaghiredar (*para. 29*).
- VI.—In the second grade of the second Class, viz., the smaller sharers in the grants to individuals, the Committee consider there is no person entitled to the high status, generally assigned to a person known by the title of Jaghiredar, the Committee here propose to allow sales, mortgages and gifts among the sharers, though not to strangers, and would in no way interfere with the present custom of inheritance (*para. 46*).
- VII.—In the third class of Jaghire, viz., to Corporations or bodies of men, the Committee propose to forbid sale and mortgages to strangers, but would allow the Jaghiredars to divide, sell, and mortgage among themselves; where strangers have obtained possession, the Committee would resume the lands, and assess at full rates, for the benefit of the general body (*para. 59*).
- VIII.—The Committee propose that a Sanad should be given to each Jaghiredar, or body of Jaghiredars, detailing the incidents of their tenure (*para. 66*).
- IX.—The Committee make certain recommendations, with regard to Regulation II of 72, for relief of the embarrassed Jaghiredars (*para. 68*).

Land and Revenue.]

X.—They consider that when any Bhoom or Muafi holding lapses or is resumed, within the limits of a Jaghire village, that the revenue, or income, should be credited to the Jagiredar (para. 71).

14. The proposals No. I and IX will be treated of in separate letters being of a nature somewhat foreign to the present report. Proposal II is one which I am afraid cannot be enforced if Act XX of 1863 is applied in its entirety to Ajmere. I quite agree, however, that it is very desirable that the accounts of these Religious Institutions, endowed with such large incomes, as they are, should be filed in some public office of Registry, where they could be examined by parties interested in the proper expenditure of such sums; while such action by the responsible parties would not implicate Government, in any direct control, or management of their revenues: I have accordingly directed such a provision to be entered in the Draft Substantive Law now under preparation, and I trust Government may allow it to stand.

15. Proposal III also recommends itself to me, as such restriction must previously have been known to exist; though it would be difficult, impolitic, and perhaps in some instances unjust, to cancel grants that already exist, but the prevention of these grants being thus frittered away in the future, is certainly a desirable measure, and the entry of such a prohibition in the Sanads would have the necessary effect, I doubt not.

16. Proposal IV is one which would be very acceptable to the Jaghirdars and the declaration of such an entail would have the effect of raising the position and status of these gentlemen, and would also, I consider, be a politic measure; they would have to provide subsistence for younger sons and brothers, just as the Istimrardars of this District now do, and already the custom prevails in 10 villages, and has probably at one time or another existed also in the other Jaghirs. I strongly advocate the extension of this principle to all the Jaghiredars of this Class.

17. Proposals V, VI, and VII, are all of one nature, viz., to prevent these grants passing out of the possession of the descendants of the original grantees, but allowing full latitude of transfer, among the grantees themselves; this seems judicious, and such a limitation of their rights cannot be a subject of objection or complaint, and should, I consider, be enforced in every case; in fact a Jaghiredar should have no power to dispose of revenue assigned to him by Government, for a particular purpose, whether it be for the maintenance of himself and family, or for any other purpose; and these proposals are, I believe, in strict accordance with the previous orders of Government on the same subject elsewhere.

[Land and Revenue.]

18. Proposal VIII, to give Sanads to all assignees of the Government revenue is certainly desirable, and I have the honor to forward copies of the correspondence, as per margin, and to submit 11 draft Sanads for approval, to be given to all Jagirdars and Muafidars. The form of these Sanads appear to me in every respect suitable, and I recommend their authoritative introduction, and that the Settlement Officer be authorized to sign them on the part of Government.

19. Proposal X. Where the whole village is held in Jagir, all lapses or resumptions within such a village, should, as a rule, revert to the Jagirdar; if the village is shared, between Government and the Jagirdar, it should revert to whichever share or side of the village it properly belongs to, if within the Village there are no recognized sharers, or sides, it should revert in proportionate shares to both parties; this is, I believe, the rule in force, in other parts of the country, it appears equitable, and I recommend its general recognition here.

NO. 402, dated Ajmere, the 30th October 1873

From—J. DIGGES LATOUCHE, Esq, Settlement Officer, Ajmere.

To—LESLIE S. SAUNDERS, Esq, Commissioner, Ajmere and Merwara.

SIR,

FOR some time I have been under the belief that it would be very advisable to institute an enquiry into the Jagir tenures similar to that instituted as regards Bhoom, and thus complete the investigation of all tenures in the District. Now that the measurement of these Estates has been finished, the time seems to have arrived at which such an investigation can be satisfactorily prosecuted, and there are very many points on which light is required.

2. The object of the inquiry would not, I presume, extend to the liability of any Jagir Estate to resumption, but setting out from Mr. Cavendish's recorded facts, it would compare them with the present state of

Land and Revenue.]

the Jagirs, give a history of each, show who and how many are entitled to share in the alienated revenue, and give an account of the numerous rent-free-holdings within the Estates, most of them originating from *Bádsrákee* grants, subsequent to the original grant in Jagir. In short, the inquiry would place the whole subject in a clear light. I have already had pedigree tables prepared of all those who are entitled to share in the revenue. To attest and pass orders on these is strictly settlement work, but the opinion of a committee would probably be valuable.

3. The records are very voluminous, all in the vernacular, and during the cold weather I shall have little leisure for other than assessment work. If you think fit to appoint a committee, I would undertake to act as Secretary, but I should be obliged if Maharaj Kishen, Extra Assistant Commissioner were nominated as Joint Secretary. His services will, I believe, be of considerable value in eliminating the grain from the chaff of the old vernacular records.

4. The Members of the Committee might be :—

The Deputy Commissioner as *President*,
 Munshi Ameen Chund,
 The Manager of the Dargah,
 The Raja of Ralaota,
 Mir Nizam Ali,
 Mir Inayat-ul-lah Shah.

No. 3784 of 1873.

Copy forwarded to the Deputy Commissioner of Ajmere and Merwara, for favor of his opinion.

AJMERE COMMISSIONERSHIP, }

LESLIE S. SAUNDERS,

The 31st October, 1873.

} Commissioner of Ajmere and Merwara.

[Land and Revenue.

No. 1151, dated Ajmere, the 6th November 1873.

From—MAJOR H. M. REPTON, Deputy Commissioner of Ajmere.

To—L. S. SAUNDERS, ESQ., Commissioner of Ajmere and Merwara.

SIR,

In reply to your No. 3784 of 31st October 1873, I have the honor to state that in my opinion a record such as Mr. La Touche suggests is, very desirable to complete the settlement papers of the District, and by the preparation of such records in future years, it would only be necessary to refer to these records. It would save an infinity of trouble, simplify all disputes, and, indeed I consider that as the Jagirs &c., have now been measured and surveyed, it is essential that a correct record of their holdings should be prepared and attested, and think the Committee proposed by the Settlement Officer, with the addition of the Manager of the Dargah Meeran Sahib, would be a useful instrument for obtaining and recording the several points on which information is required. No enquiries would be made into such holdings in Istimrar estates I presume, as they do not affect the Land Revenue demand.

No. 3830 of 1873.

Copy forwarded to the Settlement Officer, Ajmere and Merwara, with the remark that he may consider the Committee formed, and in direct consultation with the President, arrangements should be made for its meetings, while the report will be awaited with interest.

AJMERE COMMISSIONERSHIP,	}	LESLIE S. SAUNDERS,
<i>The 11th November 1873.</i>		<i>Commissioner, Ajmere and Merwara.</i>

REPORT OF THE COMMITTEE ON JAGIR ESTATES.

Ajmere, dated 16th May 1874.

In the District of Ajmere the only distinction between Jagirs and ordinary revenue free-holdings is, that the former are understood to mean a whole village or a share of a village, the latter a definite portion of land.

Land and Revenue.]

No conditions of military or other service are attached to the tenure of Jagirdars except in the case of Arjanpura.

2. In the year 1829, Mr. Cavendish, Superintendent of Ajmere, caused an elaborate and careful inquiry to be made into the history customs and incidents of each Jagir. He was transferred to another District, however, before he submitted any report of his proceedings, and the facts he collected have hitherto remained unreported, and in their original vernacular without any orders having been passed on them. The Jagir villages have been measured for the first time at the present Settlement.

3. At the time of the Cession of the District, in 1818 there were 64 Jagir villages; 5 of these were resumed by order of Government, during Mr. Wilder's tenure of office, viz., Sooruj Koond, half Naudla, Ghultee, Nathoo Thula, Khanpooa. In Mr. Cavendish's time there were 59 of these Chatree, was resumed on the death of Nawab Hakeem Khan in 1830, and Ararka in 1839 on the death of Dewan Mehdi Ali Khoree and Kholae were Jagir of the temple of Brahma in Pushkar, Nand Rampooa and Hurmara were Jagir of the Mausoleum of Apajee Rao Scindia in the same place. By the treaty of the 12th December 1860, between the British Government and Scindia, the latter transferred to the British Government his Jagir in Zillah Ajmere. These five villages which formed part of the Jagir, were, after a protracted correspondence permanently annexed to the Khalsa of Ajmere, and the temple and Chatree now obtain no revenue from these villages. There remain therefore 52 Jagir villages, of which 49 are entire villages and 3 partly Jagir and partly Khalsa. Two grants have been made by the British Government. The village of Rajgurh was this year granted to Raja Debi Singh, and the anomalous grant of Neela Seoree has been confirmed within the last few days. The total number of Jagir villages is therefore 54.

4. Jagir, however, has been measured in 59 villages, 51 entire villages and 8 shared with Government, Durathoo, which is half Jagir, was in 1868 split up into 6 villages, in each of which the Jagirdar gets one half the revenue. It will be convenient, however, to consider these 6 villages as one and the number of Jagirs as 54.

5. The Jagir estates fall broadly into three classes, the first having two sub-divisions.

First.—Endowments of Religious Institutions.—

A. Endowments of the Institutions themselves.

B. Endowments of Offices connected with the Institutions.

Second.—Grants to Individuals.

Third.—Grants to Corporations, no names being given in the grant and the revenue being shared by all who fall within a certain designation.

6. The following Table shows the number of villages in each class and the origin of the grant.

<i>Name of grantor.</i>	<i>Class I.</i>	<i>Class II.</i>	<i>Class III.</i>	<i>Total.</i>
Akber	16			16
Jehangir	1	$\frac{1}{2}$	4	6
Shahjahan	..	3		3
Alamgir	...	$\frac{1}{2}$		1
Farrukhsir	2	6 $\frac{1}{2}$	.	9
Mohammed Shah		4	..	4
Maharattas	5	6	1	12
Ajeet Singh Rahtore	...	1	.	1
British Government	1	1		2
	<u>25</u>	<u>24</u>	<u>5</u>	<u>54</u>

7. In the first class the following Institutions enjoy Jagirs.—

1. Dargah Khwaja Sahib
2. Dargah Meeran Sahib
3. Chilla Peer Dastgir
4. Nathdwara Temple
5. Chatree Surjee Rao
6. Charitable Trust of Dudhadhari.

It will be convenient to consider these in the above order.

8. Khwaja Muien-ud-din Chisti, the saint known as Khwaja Sahib, migrated from Ghore to Hindustan in 1143 A.D. He took up his abode first on the hill which overlooks the Dowlat Bagh, and subsequently at the Tripolia Darwaza, where he lived till his death, which occurred, according to tradition in the 97th year of his age. After his death people began to make pilgrimages to his tomb. The Dargah was commenced in the time of Shams-ud-din Altamash enlarged in the time of Ghiyas-ud-din, and in the reign of Akber a mosque was built, now partially in ruins. Shahjahan built the present marble mosque. A Urs (*mela*) is held at the tomb of this saint for 6 days, during the month of Rajab for it is uncertain on what day he died. Offerings at the Shrine are divided between the Dewan and the Khadims, but owing to the disputes regarding their shares there is a quantity of property said to be worth half a lac undivided.

Dargah
Khwaja S.
hib.

Land and Revenue.]

9. The Dargah was first endowed by Akber, and the first Sanad on record is one of that Emperor of the year 1567 A. D., granting 18 villages and one per cent. on the sale of salt at Sambhar, "*wakf langar-i-mazár*," of these villages, however, only two Nabab and Kanea are now in the possession of the Dargah. In the 10th year of his reign A. D. 1637, Shahjahan cancelled the old *farmán*, and gave a new Jagir to the annual value of Rs. 25,780, 10,057, of which were in cash, and the remainder 15,723, the estimated rental of 17 villages, viz., Nabab, Parbutpoora, Chandsain, Khwajpoora, Kayar, Massena, Birwace, Koraree, Khyria, Pecholean, Tillora, Kishnpoora, Hokran, Kanea, Raila, Kotree, Arnea. The Sanad sets forth that the grant is made as "*wakf rauza-i-munawwira muqaddasa surf-i-Urs, wa langar, wa roshnaee, wa furoosh, wa gul, wa arbab-i-masjid, wa wauzaif-i-ashub-i-istihqáq, wa huffáz, wa sádir-o-wárid, wa sáir wajuh khairat, wa mubarrádt.*" Furrukhsir added Budhwara and Dantra to the grant of the 19 villages named in these grants, three Raila, Kotree, and Arnea are in Mewar, and the Dargah has lost possession of Arnea. It holds therefore 18 villages, of which 16 are in British territory, but including Kadampoora, which was separated from Nabab before the present measurement, it holds 17 villages in this District.

10 Of these 17 villages, 14 belong to the first class, three to the second. In the year 1769, Shah Alam issued a *farmán* granting Hokran and Kishnpoora to the Dewan Sayed Imam-ud-din "*ba-furzandan dar wajh inaaam ba tarikh altangha waaz youmiya waghaira ki muqarrar ast.*" In 1802, Dowlut Rao Scindia granted Dantra to Meer Azeem-ul-lah Mutwalli "*ba-iteaz rozina Mutwalli.*" The annual value of Hokran and Kishnpoora on an average of ten years collections, is Rs. 3,534 that of Dantra Rs. 3,544.

Dargah Meeran Sahib.

11 Sayed Meeran Husein came to India with Shahab-ud-din, and on the conquest of Ajmere was appointed to the charge of the fort of Taragurh. There he remained till the death of Kutb-ud-din in 1210, when the Rajpoots rose and in a night attack, massacred the whole garrison. Tradition says, that the Khwaja buried the dead the next day, and the tombs of the garrison are still in excellent preservation. The enclosure in which they are is known by the name of "*Ganj Shahidan*" or Treasury of Martyrs. Meeran Husein was soon reckoned among the witnesses to the faith, and pilgrimages commenced to his tomb. Jubbar Khan, chamberlain in Akber's time, built a mosque, and the present conspicuous porch was built by Gumanjee Rao Scindia.

12. Before the time of Akber, this Dargah held the village of Saradhna in Jagir, Akber after the capture of Chittore exchanged this village for Somulpoor, "*ki Mutaicalli wa nujawiran hasil i dtra sal ba sal surf*

furoosh, wa roshnee, wa zururiyat i anja numayand." In 1608 Jehangir resumed 2573 Bighas of Somulpoor, and gave in Jagir the whole of Dorae and 939 Bighas of Somulpoor, "*jihat madad muash mujawiran, wa khurch Urs, wa langar."* The Dargah, however, has since long before our rule been in possession of the whole of Somulpoor.

13. Besides Dorae and Somulpoor, this Dargah holds a third village Kheria in Jagir. Its possession is founded on a grant bearing the signatures of Simpson Sahib, Soobahdar Patel, and of Mr. Louis Bourrequienne, both officers of Dowlat Rao Scindia. The grant belongs to the year 1800, and is in these words "*durinwila ba istina' khabar tashrif awari Maharajah Ali Jah Dowlat Rao Scindia ba taraf Hindustan mouzah Kheria, binabar ikhrajat langer-khana rauza munawwira Sayed Meeran Hussein dada shud."* This seems a very invalid grant, but the Dargah has since been in possession. The Manager gets Rs. 25 a month as his salary from the revenue of the Jagir.

14. The story runs, that a Fakeer of the name of Sayed Sündha came before the time of Akber from Bagdad to worship at the shrine of the Khwaja Sahib. He brought a brick with him from the tomb of Peeran Pir, a descendant of Ali in Baghdad. According to his last injunctions he was buried with this brick on his chest, and people soon began to worship at his tomb. The present shrine was erected after the Jagir was given. On the 11th day of every month, the shrine is illuminated and sweetmeats are distributed. Chilla Pir
Dastgir.

15. There is only one village connected with this shrine, Makhopoor. From the evidence recorded by Mr. Cavendish, it appears, that when Ameer Khan came to Ajmere he requested Bala Rao, the then soobah, to give an endowment of Re. 1 a day to this shrine. Accordingly Bala Rao gave a Sanad, which was subsequently confirmed by Dowlat Rao Scindia in 1810, enjoining Shaikh Asgur Ali who had a farm from Government to make over the Revenue of Makhopoor for illuminations and the other requirements of the shrine. The balance, if any, to be spent in building. In this way Shaikh Asgur Ali became Manager, and on his death and of that of his brother Fuzl Ali, the son-in-law of the latter Meer Irshad Ali obtained the management. On the 5th May 1821, Mr. Walder by order of Government resumed the grant and included the village in the khalsa, giving a fixed revenue of Re. 1 a day to the shrine; but in 1822 the village was again made over to Meer Irshad Ali, who was ordered to file papers of yearly receipts and expenditure. The

Land and Revenue.]

present Manager Meer Nizam Ali, son of Irshad Ali, however, keeps no accounts at all. The average annual receipts from the village are now Rs. 1,553, from which the Manager takes Rs. 200 as his perquisites as Manager, in accordance with an arrangement of Mr. Wilder.

Nathdwara.

16. The celebrated temple of Nathdwara has one village attached to it in Ajmere. Dowlat Rao Scindia in 1806 A. D., granted the village of Bhawani Khara for the service of Sri-nath-jee. The temple of Nathdwara on the Banas, 22 miles East of Oodeypore, has revenue free land attached to it in all parts of India especially in Muttra, the original home of Krishna. Colonel Tod in his Rajasthan gives an account of this temple.

Chuttre,
Surjee Rao.

17. Two villages Lallee Khara and Bhagwanpura, are Jagir attached to the Mausoleum of Surjee Rao in Pushkar. There is no original Sanad forthcoming. Hindoo Rao, son of Surjee Rao, who lived at Delhi was the Manager. He with the approval of Colonel Dixon, and with the sanction of Scindia made over the buildings and the villages to the Dudhadharee, as manager in the year 1848 A. D., the revenues to be employed for the expenses connected with the tomb and in almsgiving. The present Dudhadharee, however, has contracted a personal debt of Rs. 12,000, has stopped all alms, and has mortgaged Lalee Khara to Ramnath Mahajan of Pushkar for 10 years. He has now applied in the Commissioner's Court for a settlement of his debts under the rules recently sanctioned for embarrassed Thakoors and Jagirdars, but the Committee remarks that he is not a Jagirdar, simply the Manager of a Jagir.

Nee's Scoree

18. The hilly tract comprising the village of Neela Scoree lies between the towns of Ajmere and Pushkar, and was originally partly included in each. Soon after the establishment of British rule, the Dudhadharee, an ascetic, whose only food, as his name denotes, is milk, came to Ajmere. He settled in this waste tract, then infested by robbers, and soon acquired considerable influence. His original grant was 10 bighas, but he gradually acquired possession of the hill, and the district officers acquiesced in and supported his possession. The land held by him was largely increased at the time of Col. Dixon's measurement of the surrounding villages, and Government has now in the letter from the Secretary, Foreign Department, No. 76 R., dated 11th April 1874, granted in perpetuity Neela Scoree as Jagir to the Dudhadharee. It is added, however, that the grant is made to him, "On condition of his protecting so much of the road through the Pokhar Pass, as is adjacent to his

Jagir, and of his paying compensation for any losses, which may occur in that portion of the road from the bottom of the pass to the open country beyond."

19. The conditions on which the predecessor of the present Dudhadharee considered he held this land are given in detail in a petition of his presented to Colonel Dixon, on 14th April 1848. He states that "he has built a temple to Banki Behareejee, that he has dug wells and a baori, that he has planted many mangoe trees and collected cattle. He desires that all these things should be considered "*wakf* and *sadaburt*" a trust property for the benefit of the poor and travellers. None of his chelas should consider himself heir or owner of any of this property, but the whole revenue from every source should be distributed to the poor and travellers. He desires that no bird or beast should be annoyed within these precincts nor any tree cut down. As long as he lives he will do as herein set-forth, and for the future he prays that a slab in English, Hindee and Persian may be put up at his residence recording the nature of the trust. He prays Government to lend him assistance, and always to watch the conduct of his successors. If any of them transgress these rules, and strive after worldly wealth, he should be dismissed and a worthy successor appointed by Government, with the advice of respectable *Hindoos*."

20. To this request Colonel Dixon acceded, paying at the same time what was apparently a well-merited tribute to the worth and conduct of the petitioner, and the slab was accordingly put up where it now remains. The present Dudhadharee Purmanund has, it would appear, done exactly contrary to the rules laid down by his predecessor, lives anything but an ascetic life, and has converted the revenues to his own use.

21. With regard to the conditions on which the grant has now been sanctioned by Government, the Committee is of opinion, that they are vague, likely to lead to complications, and quite opposed to the terms on which Colonel Dixon made the grant, and on which it has been hitherto enjoyed. To make the Dudhadharee responsible for the protection of the road "adjacent" to his Jagir is a novelty, and to make him responsible at all, is with reference to the proposals of the Bhoom Committee, para. 26, a retrograde step. It cannot be expected that an ascetic such as the Dudhadharee should be, can pay compensation for losses, and the Committee agrees entirely with the Bhoom Committee as regards the propriety of abolishing all such systems of liability. The Committee considers that effect should be given to the wishes

Land and Revenue.]

of the original grantee, and the Jagir be considered "*wakf and sadabart*," the Dudhadharee for the time being, being manager, and being liable to be removed for misconduct or breach of trust either by Government or through the Civil Court. A copy and translation of the petition of the original grantee and of the order thereon accompany this report.

General
remarks on
class I.

22. The villages falling under class I, the Committee remarks are indivisible and not transferable by sale or mortgage. It is true that the Dudhadharee Purmanand has mortgaged Lallee Khera, but even he would hardly contend that he had any right to do so.

23. Villages falling under the second sub-divisions, *viz.*, Hokran Kishnpoora and Dantra, which were given to office bearers of the Dargah in lieu of the perquisites attached to the office, are not subject to the provisions of Act XX of 1863. To the Jagirs of the Institutions themselves the provisions of Act XX of 1863 are applicable.

24. The Committee is of opinion that it would be advisable to require the managers to file yearly accounts of receipts and expenditure in the Deputy Commissioner's Office. In the early years of British Rule the Superintendent of Ajmere freely exercised interference in the temporal affairs of the Institutions. Until, however, Act XX of 1863 is repealed by the Legislature, the Committee cannot propose that yearly accounts should be filed. On the introduction of this Act only one institution, that of the Dargah Khwaja Sahib was decided to fulfil the conditions required by Section III, and a Committee was appointed for this Dargah consisting of 5 members, Meer Nizam Ali, President, Meer Imam Ali of the family of the Dewan, Meer Wazir Ali of the family of the Mutwalli and Abdul Luteef and Allah Rakha on the part of the Khadims. The last named member has since died and his place has been supplied by Madar Buksh, his son-in-law.

25. The remaining Institutions fall under section IV of the Act and under section XIII it is the duty of their Managers to keep regular accounts of receipts and disbursements, while any person interested in the administration of the trust as defined in section XV, can sue under Section XIV for the production of these accounts.

26. As will be seen from the appendix, the amount of a land held revenue free by Khadims and others connected with the Dargahs is very large. The Committee would recognize all grants hitherto made, but would insert a clause in the Sanad to be given to each institution, prohibiting all Managers and Committees from alienating assets of the Shrine or Institution for the future.

[Land and Revenue.]

27. In the second class, that of grants to individuals, the Committee Class II. recognizes two grades of Jagirdars. First those to whom the property descends by right of primogeniture, and those who are now in possession of not less than half a village. Secondly those who have a share in a village or in its revenue less than one half. The Jagirdars of the first grade, 9 in number, are as follows: and the villages attached to their Jagirs are shown after their names.

FIRST GRADE.

- | | |
|---------------------------------|---|
| 1. Raja Debi Singh | ... <i>Rajgurh Kothaj.</i> |
| 2. Dewan Ghiyas-ud-din Ali Khan | ... <i>Dilwara.</i> |
| 3. Nawab Abdul Kareem Khan | ... { <i>Boraj, Kazipura, Kesurpura,
Setawarean, Seydaria, half
Durathoo.</i> |
| 4. Raja Balwant Singh | ... <i>Gungwana, Ootra, Mugra.</i> |
| 5. Meer Inayat-ullah Shah | .. <i>Dudiana; half Dilwarce.</i> |
| 6. Meer Nizam Ali | ... <i>Jhurwasa Bhuttiani.</i> |
| 7. Gulab Singh | ... <i>Arjanpura.</i> |
| 8. Salig Ram Jyotishi | ... <i>Mangliawas.</i> |
| 9. Gokul Puri Gusayen | ... <i>Chawanda.</i> |

28. In 10 of the villages above named, the eldest son succeeds to the exclusion of other heirs, in eight of them there are subordinate sharers, besides the Jagirdar whose name has been given above. The proposal of the Committee is, that the share now held by Raja Debi Singh in Kothaj, by the Dewan in Dilwara, by Raja Balwant Singh in Gungwana, Ootra, Mugra, by Meer Nizam Ali, in Jhurwasa and Bhuttiani, and by Gulab Singh in Arjanpura, should be entailed in favour of the eldest son, all divisions, sales and mortgages being prohibited, and the younger sons of the Jagirdar being entitled to receive maintenance under the same rules as the younger sons of an Istimrardar. This entailing of the property will be considered a great boon by the Jagirdars for whom the custom of primogeniture does not exist, and it is of course open to Government to determine the devolution of the estate.

29. The subordinate sharers in these 8 villages, the Committee proposes should be allowed to divide, sell, mortgage, and make gifts among themselves (not to strangers) of the property of which they are now in possession. Heirs would succeed according to the custom of the family, but daughters do not and would not inherit. The only interference which the Committee would

Land and Revenue.]

exercise is to provide, that if any co-sharer die without heirs, his share should revert to the nearest head of his branch according to the genealogical tree, so that in course of time the head of the family may have a chance of becoming sole Jagirdar.

Raja Dobi
Singh.

30. The founder of the family of Raja Debi Singh Gor was Raja Bachraj, who with his five brothers came about 800 years ago from Bengal to Ajmere on their way to Dwarka. Pirthi Raj Chauhan, who at that time ruled the country, engaged the brothers in an expedition against Daya Singh of Nagore which was successful, Raja Bachraj and his brother Raja Bawan subsequently married the two daughters of Pirthi Raj, Raja Bawan settled at Koochawan in Marwar, Raja Bachraj remained in Ajmere. In course of time Joonia Sarwar and Deolia and the adjacent territories fell into the hands of the Gor Rajputs. Himayun gave a mansab of 52,000 to Raj Gopal Singh, Raja Beetal Dass in the time of Akber founded Rajgurh, and called it after the name of his grandson Raj Singh. The son of the latter took Srinagar from the Power Rajputs. This, however, was the climax of their prosperity, for soon afterwards the Gor Rajputs were ejected from Rajgurh, and all their territory by Kishor Singh, Rahtor. Gopal Singh, Gor, 25 years later, recovered Rajgurh, and was in possession when the country fell into the hands of the Maharattas. He and his son by an arrangement with them held 12 villages, besides Rajgurh, till the year 1817, when Raj Singh was called on to pay Rs. 10,000 Fouj khurch, and as he was unable to do so the whole was resumed. On the establishment of British rule in 1818 the villages were returned to him on condition of paying Nuzrana, but as the Nuzrana could not be or was not paid, they were all resumed with the exception of Kothaj.

31. On the 28th March 1874 a Sanad was given to Raja Debi Singh, in accordance with the orders of Government for the town of Rajgurh, the Jagir to descend to the eldest son. There is no Sanad extant for Kothaj, but it was given by Bala Rao in Jagir. In accordance with the Will of Raja Chimun Singh, the property worth between Rs. 200 and 300 a year, is divided into 5 shares

3 Shares Raja Debi Singh.

1 Share Bheem Singh, }
1 Share Mohun Singh, } *Uncles of the present Rajah.*

Dewan
Ghiyas-ud-
din Ali Khan

32. Besides the Jagir of Hokran and Kishnpura which is attached to the hereditary office of Dewan, Ghiyas-ud-din Dewan holds a Jagir in Mouzah Dilwara. The grant was originally made by Shahjahan to Dewan Ilm-ud-din, but on his death one-third was resumed,

[Land and Revenue.

two-thirds remained with Shaikh Hisam-ud-din and Shaikh Abul-fata. Alamgir II restored the resumed third to Sayed Imam-ud-din but effect was given to the restoration by the grantee, taking one-third of the revenue of each portion into which the lands of the estate had been divided. There are 9 sub-division or "pans," and the Dewan holds one "pan" without sharers, and takes one-third of the revenue of each of the remaining eight. His share descends intact to the eldest son. The shares of all the rest are regulated by the rules of Mohammedan Law. Including the Dewan there are now 12 sharers in the Jagir.

- | | | |
|---------------------|-----|--|
| 1 Pan Asad-ul-lah | ... | Imrat-un-nisa wife, of Kazi Munir-ud din |
| 2 Pan Ata-ul-lah | ... | Riza Husein. |
| 3 Pan Shams-ud-din | ... | Mardan Ali, Inayat Ali, Kudrat Ali. |
| 4 Pan Dewanjee | ... | Dewan Ghiyas-ud-din. |
| 5 Pan Jalal-ud-din | ... | Shams-ud-din, Imam Ali. |
| 6 Pan Baksheejee | ... | Khurshed Bibi, wife of Shams-ud-din. |
| 7 Pan Najeel-ul-lah | ... | Shams-ud-din, Imam Ali. |
| 8 Pan Pishori | ... | Shams-ud-din, Imam Ali. |
| 9 Pan Himmat Ali | ... | Rustam Ali, Nujm-ud-din, Ghulam Ali. |

33. The ancestor of the Nawab Tahuwwar Khan, accompanied Aurangzib on his expedition to Ajmere against Dara. Suspecting treachery on his part, however, Aurangzib caused him to be put to death at Jethana, where is his tomb. Furukhsir made a grant of 5½ villages to Sher-ud-din Khan his son, Jharwasa, Sedria, Boraj, Kazipura, Sitawarean, Kesurpura and half Durathoo. The village of Bhuttiani was before this held in Jagir by Abu-ata-khan, the uncle of Sher-ud-din. On the death of Abu-ata-khan, who died childless, Bhuttiani came to Sher-ud-deen. There is no Sanad forthcoming, it had been lost in Mr. Cavendish's time. Of these 6½ villages, however, Meer Nizam Ali and his brother Sarfaraz Ali hold Jharwasa and Bhuttani. The Nawab has no sharers, and the property descends to the eldest son.

Nawab Ab-
dul Kurreen
Khan.

34. Rae Singh, the ancestor of this family, had five sons, three of whom inherited. Bir Singh got a share in Karkeri equivalent to Rs. 60,000, and Sawunt Singh and Bahadur Singh divided the rest of the property equally. Sawunt Singh took up his abode at Rupnagar, Bahadur Singh, the ancestor of the present Maharaja, at Kishengurh. The eldest son of Sawunt Singh, Sardar Singh died childless, but he enjoined that Anceer Singh, son of Bir Singh, should succeed him. On the death of Sardar Singh, Bahadur Singh

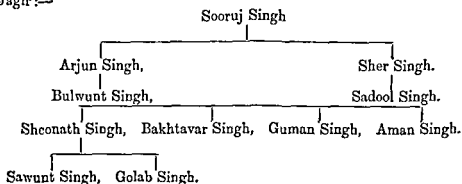
Raja Balwa
Singh.

Land and Revenue.]

refused to recognize the adoption of Ameer Singh, and took possession of Rupnagar. With the help of the Maharaja of Jodhpur, however, Bir Singh and Ameer Singh obtained Rupnagar. Bahadur Singh then applied to Holkar, and by the bribe it is stated of a lac of rupees, procured the expulsion of Ameer Singh from Rupnagar and of Bir Singh from all his property, with the exception of Ralaota to which he had succeeded on the mother's side. Bir Singh joined the Maharattas, and distinguished himself in the battle of Panipat, where he was killed. Madhojee Scindia in recognition of their father's worth, gave six villages in Jagir to Ameer Singh and Sooruj Singh, Sarana, Mugree, Ararka, Gungwana, Ootra and Mugra. By a subsequent arrangement, Ameer Singh obtained the first three. Sooruj Singh obtained Gungwana, Ootra, and Mugra. Ameer Singh took service in Jeypoor, and Scindia confiscated his villages which have since been khalsa.

35. Sooruj Singh had three sons: to the eldest Jaswant Singh he gave Ralaota, to Arjun Singh and Sher Singh he gave Gungwana, Ootra and Mugra. The younger son of Arjan Singh, Jeth Singh was adopted by Jaswant Singh of Ralaota. When his son Durjan Sal was born, Jeth Singh attempted to recover his share in Ajmere, but on the subject coming under arbitration his claim was negatived, and he now holds Ralaota only.

36. The following Genealogical Table shows the present sharers in the Jagir:—



of these the Committee propose to consider Balwunt Singh, who takes half the revenue of the three villages of the Jagir of the 1st class, and to entail his property in his eldest son, the other half of the property to be divided as at present among the sons of Sadul Singh and their heirs according to ancestral shares.

Meer Inayat
Ullah Shah.

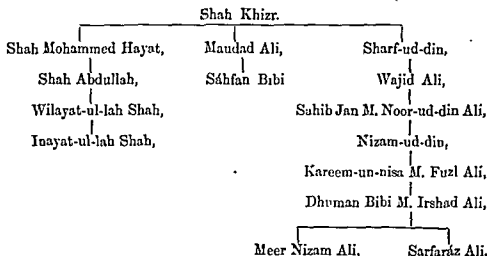
37. Meer Inayat-ul-lah Shah is Jagirdar of Dudiana and of half Dilwaree, both of which it is proposed to entail. The first he holds as "Sajjada Nushin" of the Shrine of Khwaja Maudud Chisti in Heerat, with

[Land and Revenue.

which, however, neither he nor his ancestors have had any connection for a couple of centuries. Dudiana was originally Jagir of Azim Khan, a noble of the Court of Mohammed Shah, he made over his Jagir to Shah Mohammed Hayat, and procured sanction from Mohammed Shah, who issued a *farman* giving Dudiana to Mohammed Hayat "*ba furzandan ba tarikh altamgha.*" Inayat-ul-lah Shah also holds $\frac{1}{4}$ th share in Hathikhera which he has received on his mother's side. He also has $\frac{1}{8}$ th share in Akhrec.

38. Dilwaree was granted in Jagir in 1720 by Farrukhsir to "*Aulad Shurf-ud-din bila kaid nam barae dawam ba waqf inam,*" Inayat-ul-lah Shah is now in possession of half the revenue, Meer Nizam Ali and Sarfaráz Ali divide the other half.

39. At the time of Mr. Cavendish's inquiry, the Agent of Meer Wilayat-ul-lah Shah gave the following account of this Jagir.



He stated that on the death of Wajid Ali, Nizam-ud-din got one-half, Wilayat-ul-lah Shah and the heirs of Maudad Ali Khan the other half, Mussummat Sahfan Bibi made a deed of gift of her share in favour of Wilayat-ul-lah Shah, 22nd Rabi-us-sani 1209H. Inayat-ul-lah Shah says, Fuzl Ali took possession unlawfully during his minority, while acting as agent of the village, and states that Maudad Ali married Sahib Jan, and their only child was Sahfan Bibi, who gave her half the village in gift to Wilayat-ul-lah Shah. The genealogy given above, however, seems to be the correct one.

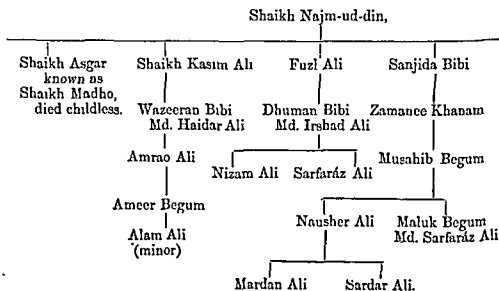
40. Meer Nizam Ali is considered the Jagirdar of Jharwasa and Mir Nizam Bhuttiani, and his share in these two villages it is proposed to entail. It ^{Ali.} will have been seen that these villages were originally granted to Sher-ud-

Land and Revenue.]

din, the ancestor of the Nawab Abdul Kareem Khan, the possession of Nizam Ali is founded on a purwana of Kamr-ud-din Khan, Wázeer of Mohammed Shah, which at the time of Mr. Cavendish's inquiry was stated to be a forgery, and which has every appearance of being so. This document makes over the Jagir which had been given to Sher-ud-din Khan including Bhuttiani to Sham Beg Khan, son of Sher-ud-din and Najm-ud-din, "*písar Khwanda*" or adopted son of Sher-ud-din.

The question of this Jagir was perpetually cropping up during the Maharatta rule, and there are numerous orders to the Soobadars, some signed by Doulat Rao Scindia, some unsigned to uphold the possession of Meer Irshad Ali in Jhurwasa and Bhuttani and $\frac{1}{2}$ Durathoo. It appears, however, that Irshad Ali, father of Nizam Ali, never had possession in Durathoo. His predecessors in the Jagir held half Durathoo and paid Rs. 700 a year to the Nawab. According to the Statement of the Kanoongos, Najm-ud-din was Agent of the Nawab at the time of the grant, and the statement of the Nawab was in the time of Mr. Cavendish, and is now, that the possession of Nizam Ali is clearly without right. Had Mr. Cavendish passed orders on his inquiry, the question would have been finally settled then, and has now settled itself by lapse of time, except in the unlikely case that Government should see fit to re-open it.

41. Shaikh Najm-ud-din had three sons and a daughter who left children with the exception of the eldest son.



[Land and Revenue.]

In the time of Mr. Wilder, Amrao Ali claimed this Jagir as the descendant of the elder son. He took, however, Rs. 570 Kuchawan for his claim, and this amount is still annually paid. In the agreement about this money it is recorded that Amrao Ali's heirs may divide off their share, if they wish, so as to give them a yearly rental of Rs. 570; after division no complaint should be made of insufficient revenue, Mardan Ali and Sardar Ali get each Rs. 62 a year, and so does Malúk Begum who has married Sarfaraz Ali. Of the remaining revenue Nizam Ali takes two thirds, Sarfaraz Ali one third.

42. The Jagirdar is a Gor Rajpút an off-shoot of the Rajgurrh house. Golab Singh. He holds one village Arjanpura. This was given in Jagir by Raja Ajit Singh, Rahtor, and a condition was annexed that the Jagirdar should guard the pass. Golab Singh has several Maharatta Sanads continuing the Jagir to him on this condition. The Jagir thus assimilates to a Bhoom tenure, but as the condition has long been forgotten, and the Jagirdar was never considered a Bhoomia, the Committee sees no reason to make any distinction now.

43. This Jagir descends to the eldest son. The younger sons originally got only maintenance, but have now obtained possession of land and wells and collect their own revenue. The possession of each has been shown at the present measurement. Golab Singh is Jagirdar of all the land which is not appropriated. There are 15 persons who hold land as the equivalent of their maintenance.

1 Moti Singh,	6 Pertap Singh,	11 Mehtab Singh,
2 Bishn Singh,	7 Durjan Singh,	12 Agar Singh,
3 Kishn Singh,	8 Bhup Singh,	13 Hari Singh,
4 Hunwant Singh,	9 Chotoa Singh,	14 Kamar Singh,
5 Bird Singh,	10 Lal Singh,	15 Bijay Singh.

44. The ancestor of Saligram Narayan Rao Jyotishi, came from Jodhpur, and the village of Maugliawas was given to him by Dowlat Rao Scindia. Saligram Jyotishi. The Jagir descends to the eldest son, younger sons get maintenance. There is a well and some land in this village, which is considered khalsa, and was assessed by Colonel Dixon at Rs. 25. The Jagirdar gave the well as Bhoom to the Kishengurrh Raja, during the time he managed the revenues of the District, and at the commencement of British rule, the well being known as khalsa, remained so.

45. Gokulpuri Gusayen belongs to one of the twelve divisions of Gokulpuri Sannyasis. In 1767, Madho Rao Scindia gave in Jagir Chawanda and Gusayen. Rs. 3,000 in cash for the expenses of the Mansoleum of Apajee in Pushkar.

Land and Revenue.]

When the Rahtors got the District in 1786, the cash allowance was stopped, but in 1789, the Maharattas added Hurmara and Rs. 950 in cash to the Jagir of the Chuttree. Dowlat Rao Scindia again stopped the cash payment, but added Nand and Rampoorra to the Jagir. In 1820, Mr. Wilder with the approval of the Gwalior Durbar separated Chawanda from the rest of the Jageer, and made it over to Dhonkulpuri as a private Jagir. It has been already stated that the remaining villages of the Jagir of Apajee became khalsa in 1860. Gokulpuri has now no connection with the Chuttree. The *gaddi nashin* takes the whole revenue and provides food and raiment for his *Chelas*.

46. In the remaining Jagirs of the second class, there is no person whom the Committee consider entitled to the dignity of a Jagirdar. The assests are divided among all the heirs, and the Committee would allow sales, mortgages and gifts among the sharers though not to strangers, and would in no way interfere with the custom of inheritance. These Jagirs are:—

$\frac{1}{2}$ Akhree,	}	Morajhari,
Baneori,		Nandla,
Ganahera,		Hathi Khera.

The half Dilwaree held by Nizam Ali and Sarfaraz Ali would also fall within this class.

Akhree,

47. Aurangzib in the 25th year of his reign made a grant of 910 bigahs in Akhree to Sayed Ashruf "*ba furzandan madad maash*." The Jagirdars, however, were soon considered to be in possession of half the village and there are parwanas of the Maharattas continuing their possession of this share. Half the net revenue of villages which according to the new assessment is equivalent to Rs 429 is paid to the Jagirdars from the Treasury.

48. In the time of Gumanji Rao Scindia, there was a dispute about the shares in this Jagir, and it was decided by dividing the revenue into five shares.

2 Shares to belong to the heirs of Sayed Ishâq.

$1\frac{1}{2}$ Share to belong to the heirs of Noor-ud-din.

$1\frac{1}{2}$ Share to belong to the heirs of Ghulam Muem-ud-din.

The distribution of the assets among the sharers will, however, be rendered clearer, by considering the number of shares to be 60; 24 belonging to the heirs of Sayed Ishâq; 18 to the heirs of Noor-ud-din, and 18 to the heirs of Ghulam Muem-ud-din. The value of a share is a little over Rs. 7.

49. The heirs of Sayed Ishaq are now Sharf-ud-din, and Amrao Bibi, who gets Rs. 30 a year from Sharf-ud-din. The sister of Sharf-ud-din has no share. The heirs of Noor-ud-din are now five persons; Sarfaraz Ali and Asad Ali hold nine shares; Nur-ul Hasan, Alam Ali and Ashruf Ali nine shares.

The heirs of Ghulam Muein-ud-din now in possession are ten persons Nizam Ali Wakil seven shares; Kareem Ata, Sadr-ud-din, Wazcer Ali, Ihsan Ali seven shares; Kasim Ali, Khadim Husein, Imam Ali, Haidar Ali two shares; Meer Inayat-ul-lah Shah two shares.

50. The village of Baneori was granted by Shahjahan in 1633 A.D., to Salih Mohammed *darvesh gosha nashin dargah Khwaja Muein-ud-din*; Salih Mohammed gave $\frac{1}{4}$ the Jagir to Sayed Ahmad, a cousin of his own, and his descendants have since been in possession. Half their share, however, has been sold to Mahajans who are in possession. Daughters generally get a share, but not uniformly. The land is not divided and the shares in the assets are 20 in number, held as follows:—

Ameer Ali, Sharf-ud-din (sons of the Mutwalli) ... 6 shares.

Rahim-un-nisa, wife of Ameer Ali ... 3 "

Ameer Ali ... 6 "

The remaining five shares constituting the fourth share of the heirs of Sayed Ahmed, have been divided into nine shares, and are held as follows:—

Irshad Ali one share; Ghulam Ahmad, Abu Bakr and Zeinat Bibi two shares; Mewa Bibi, daughter of Imam Ali $\frac{1}{4}$ share; Husein Buksh $\frac{1}{4}$ share; six Mahajans $4\frac{1}{2}$ shares.

51. The village of Gunahera was given in Jagir to Sheikh Ilm-ud-din, Gunahera. ancestor of the Dewan of the Dargah. By a *farman* of Shahjahan, it was transferred to Muein-ud-din, brother of Ilm-ud-din "*maa farzandan madud mash.*" These descendants of the Dewan are known by the name of Peer-zada.

52. The land of this Jagir was divided originally according to shares to which all agree, but possession does not now correspond with the shares. The devolution of the property has been very irregular; some daughters have got shares, but in general the weaker members of the family have got none. Some sharers have made an arrangement with their co-sharers, by which they gave up possession and receive a fixed yearly payment. This is called "*Thela Istimrar.*" At the present measurement the land has been recorded according to possession, and 29 persons have been found to be in possession

Land and Revenue.]

of these two Munir Beg and Saadat Bibi receive a fixed annual sum as the equivalent of their share. Twenty-seven are in possession of land, but the land of some is mortgaged, for sales and mortgages have taken place among the sharers. These twenty-seven persons are Kazi Munir-ud-din, Dewan Ghiyas-ud-din, Shafi Husein, Asgar Ali, Ghuffar Ali, Khidmat Ali, Abdul Halim, Munawwer Bibi, Hussein Ali, Najuf Husein, Wazeer Begum, Mizzaz Ali, Asad Ali, Sarfaraz Ali, Alim-un-nisa, Jaafar Ali, Chuni Begum, Ashraf Ali, Ramzun-nisa, Alam Ali, Nur-ul-hasan, Shurfun-nisa Mohammed Husein, Ahmad Husein, Najeebun-nisa, Sadr-ud-din, Ghulam Husein. Four sharers are out of possession—Qudrat Ali, Raza Husein, Abdul Hamid, Sharf-ud-din.

Morajhari.

53. The village of Morajhari was granted by Furrukhsir in the second year of his reign to Jamal Mohammed, a khadim of the Dargah, "*maa furzandan naslan bad naslan dar waji'inaam*." The village was in farm to the Thakur of Tantotee for 45 years for Rs. 1,000. The land is not divided. The Revenue is divided by ancestral shares; daughters get no share.

54. There are now 7 sharers in the revenue of this village which is divided into 8 shares.

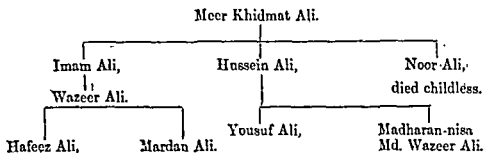
Meer Hafeez Ali, Mutwalli	... 1 share.
Wazeer Ali, Ihsan Ali, Musharrif Bibi, daughter of	
Wajid Ali, ... ..	... 3 shares.
Mohammed Husein, Ameer Ali, Faiz Mohammed	... 4 shares.

Nandla.

55. The whole of Nandla was originally given as Jagir to Sheikh Futah-ul-lah and his brethren on account of "*Kharch Urs wa madad maash*." Jahangir in a *farman* of the 5th year of his reign gave 1,000 bighas on account of the expenses of the Urs festival, and 5,893 bighas as *madad maash*. Though not so designated in the *farman*, this latter portion has always been considered as a grant of half Nandla. The 1,000 bighas were resumed, and what remains is the grant on account of *Madad maash*. The land belonging to the Jagir is distinct from the khalsa, part of Nandla, and is practically a separate village.

56. The area of the Jagir by present measurement is 1,362 acres or 3,405 bighas. There are 14 divisions of the land called "pans" and 65 sharers, 8 of whom take a fixed amount in lieu of their shares. The family of Meer Khidmat Ali, however, hold 6 of these divisions, and have shares in their mother's right in some of the others, and consequently Yousuf Ali, Khadim is generally considered the Jagirdar of Nandla.

The descendants of Meer Khidmat Ali are as follows :—



Imam Ali died before his father; Wazeer Ali is still alive. At the time of the preparation of the record, there was a hot dispute as to how it should be prepared. By order of the Settlement Officer, dated 17th February 1874, Yousuf Ali was recorded as in possession of half the share of Khidmat Ali, and the two sons of Wazeer Ali, and Madarun-nisa as in possession of the other half.

57. Shah Mohammed Heiyat held the village of Hathikhera in Jagir Hathikhera before the grant to him of Dudiana. The fact is mentioned in the Dudiana grant, but there is no Sanad for this village. On the death of Shah Mohammed Heiyat Dudiana, which was considered equivalent to two-thirds the property fell to the lot of his son Shah Abdullah, Hathikhera was the share of his daughter Sahib Jamal. The land is not divided, some daughters have a share in the revenue, some not.

58. There are now ten sharers in the revenue of this village. The revenue is divided into eighteen shares, which are held as follows :—

Nizam Ali Wakil	...	...	7 shares,
Kareem Ata	...	...	3½ "
Wazeer Ali, Ihsan Ali, Sadr-ud-din	...	...	3½ "
Kasim Ali, Jowad Ali,	...	...	} 2 "
Imam Ali, Haidar Ali,	...	...
Meer Inayat-ul-lah Shah	...	...	2 "

Nizam Ali pays Rs. 25 a year to Wazeer Ali and Hasan Ali heirs of Waliun-nisa.

59. In the third class Jagirs belonging to bodies of men, and not to Class III. individuals, there are five villages. The Khadims of the Dargah Khwaja Sahib hold 3 villages, Beer, Qhegul and Baenja. The Brahmins of the "Bari Basti" in Pushkar are Jagirdars of Pushkar. The Brahmins of the

Land and Revenue.]

"Choti Basti" are Jagirdars of Naidla. In these villages the Committee proposes to forbid sales and mortgages to strangers, but to allow the Jagirdars to divide, sell and mortgage among themselves. In cases where strangers have obtained possession by sale or mortgage, the Committee proposes that the land should be resumed and assessed at full rates for the benefit of the general body of Jagirdars, leaving the mortgagee or purchaser to recover from the individual who sold or mortgaged the land.

Khadims.

60. It appears from a Sanad of Jahangir, dated A.D. 1613, that before this date 229 Khadims held three villages. Of these 197 appeared before that Emperor in Ajmere. These 197 men held 25,450 bighas, the absent ones 31 in number held 1866 bighas, Jahangir ordered the land of the absentees to be resumed, and gave 12,725 bighas or half their previous Jagir to those who attended. The grant was made from the villages of Beer and Kakineawas. The latter village is now in Kishengurh territory, and the Khadims still hold their land in it. In 1710, Farruksir granted the villages of Ghegul and Baenja, "*dar wujh madad maash jam' khudama Rawrue Munawwira.*"

There is a Sanad of Madho Rao Scindia, upholding the possession of the Khadims in Beer and Raegurh, the latter of which was originally distinct from Beer, but is now included in it. Raegurh was the original village Beer the grazing ground connected with it.

61. The land in Beer is divided into 9 puttees, in each of which there are numerous sharers numbering in all 345. In Baenja there are 7 puttees with 288 sharers. In Ghegul there are 8 puttees with 337 sharers. Generally women get shares, but the revenue of some of the puttees is so minutely sub-divided, as to give some sharers only about a seer of grain yearly.

62. In Ghegul 140 acres have been measured and assessed as khalsa. Colonel Dixon's assessment was Rs. 75, the present assessment with cesses Rs. 68. This land was originally Bhoom of Kishengurh, and was given back to the Jagirdars by the Commissioner of Ajmere, but by the order of the Lieutenant-Governor, North-Western Provinces, dated 14th January 1848, the land was declared to be khalsa and has since remained so.

Pushkar
Brahmins

63. In Pushkar there are two sections of Brahmins, those of the "Bas kalan" and those of the "Bas khurd," and these two are perpetually quarrelling. The Brahmins of the first bas, are the old residents and they number among their *jajmans* all the sovereign chiefs of Rajwarra, with the exception of the Maharaja of Jeypore. He is said to have investigated the rival claims

[Land and Revenue.

and to have decided that the Brahmans of the "Bas khurd" are the real Brahmans.

64. The Jagir of Pushkar is of very ancient date. The oldest Sanad on ^{Pushkar.} record is one of the Jahangir, arranging how the rival parties should divide the gifts of pilgrims, and continuing the village "*dar wajh madad maash kaum pokhuriya zunnardaran.*" The land of Pokhur is minutely divided; 418 sharers have been recorded as in possession of land at the present measurement.

65. The village of Naidla was khalsa till the 23rd year of the reign of ^{Nandla.} Shajahan, when 300 bighas were given to Kheta *Purohit Badshahee*. His heirs held till 1809, when Dowlat Rao Scindia gave the whole village in Jagir to the Brahmans of "Bas khurd." The land is minutely divided as in Pokhur, and 168 persons have been recorded as in possession of land at the present measurement.

66. The Committee considers it of importance that a Sanad should be given to each Jagirdar or body of Jagirdars, detailing the incidents of the tenure as herein proposed, with such alterations as may be determined on by Government.

67. The tenure of Jagir Estates, as between the Jagirdars and the cultivators, was judicially declared by the Settlement Officer, on the 13th August 1872. This declaration, if not disputed within three years becomes final. The principle adopted in the declaration was that, those who had expended money in the improvement of land were owners of the land so improved: the Jagirdar was declared owner of unimproved land and waste.

68. The Committee is clearly of opinion that only the 9 Jagirdars mentioned in Para. 27 should have been admitted to the benefits of Regulation II of 1872, for the relief of embarrassed Talooqdars and Jagirdars. The intention of Government was not to relieve impoverished gentlemen from the duty of paying their just debts, but to clear encumbered Estates and under the present classification no share less than half a village is considered an Estate. The names of 26 Jagirdars were submitted to and approved by Government. This list contains the names of those who were well known and recognized as Jagirdars by the District authorities, but as no record of the actual sharers existed, the list was necessarily imperfect, and omitted the names of several gentlemen, who are just as much entitled to be considered Jagirdars as the majority of those whose names were included in the list. On the other hand the Dudhadhari, who is merely a Manager of a

Land and Revenue.]

Jagir, should not, according to the Committee's view of the subject, have found a place in the list at all. Now, however, that many sharers in Jagir Estates besides the nine above referred to have been admitted to the benefits of the Regulation, the Committee is of opinion that all who filed applications before the 1st December 1873, may as an act of grace be allowed to participate in the benefit of the rules. On this point, however, the Committee can only express an opinion. Government has now the materials for forming a decision as to who should be considered the owner of an encumbered Estate.

69. From the accompanying Tabular Statement of Area and Revenue of each Jagir, it will be seen that the average revenue of the whole for 10 years, including the four villages of Neela Seoree, Ganahera, Beer and Pushkar for which rent-rolls were not procurable, is Rs. 91,000 approximately. These rent-rolls it is believed are in general very fairly correct, and liability to error has been as far as possible avoided by taking an average of 10 years. Of this sum Rs. 42,740 belong to the 1st class or endowments of Institutions. In all Jagir villages the Revenue is taken in kind, and the rates of collection vary much from village to village. In some villages half the produce is taken, but these are few in number. The average rate may be taken to be between $\frac{1}{3}$ rd and $\frac{1}{4}$ th the produce. A number of extra cesses are taken, aggregating on the whole more than 16 per cent. of the total collections. With these extra cesses, the collections may be considered equal to a full third of the produce. The Committee would have wished to provide some scheme for the commutation or consolidation of these extra cesses, but they are unable to suggest any, and it is not proposed to interfere with them. The cesses have all been recorded at the present Settlement, and only those can be taken which have been recorded. It is not likely that many of the Jagirdars will desire a Settlement at the rates which have been adopted for the khalsa. If any desire a ten years Settlement they can obtain it at $\frac{1}{4}$ th the produce, exclusive of cesses, which must remain separate, by application to the Settlement Officer.

70. The total area of Jagir in the District is 1,37,955 acres. Of this amount 10,156 acres are protected by wells. It will be seen that an amount equal to nearly one-fourth of the well irrigated land belonging to the Jagirs is well land held free of assessment, and its revenue is enjoyed by individual Muaffedars. In the Jagir of Meeran Hussain, the Muaffedars hold more well land than belongs to the khalsa of the Durgah. These milk-holdings have been or will be all carefully attested by the Settlement Department.

[Land and Revenue.

71. The precedent has recently been established in the case of Gungwana, that when any Bhoom or Muafi land situated within the limits of a Jagir village, is resumed, the revenue of such land belongs to the Jagirdar and not to Government. This precedent in the opinion of the Committee should be followed.

72. In conclusion the Committee desires to record its appreciation of the case and ability with which the materials and statistics necessary for this inquiry have been collected and collated by the joint Secretary, Pundit Maharaj Kishn.

H. M. REPTON, DEPUTY COMM.,
President of Committee.

J. D. LA TOUCHE, S. O.,
Secretary of Committee.

MUNSHI AMEEN CHUND,
Judicial Assistant Commr.

RAJA BULWUNT SINGH,
Jagirdar of Gungwana.

PUNDIT MUHARAJ KISHN,
Ex. Asst. Commr., Settl. Dept.

INAYAT-UL-LAH SHAH,
Jagirdar of Dudkhiana.

MEER HAFEEZ ALI,
Jagirdar of Morujhari and Dantra.

MEER NIZAM ALI,
*Jagirdar of Jhurwassa and
Bhuttianee.*

*Translation of petition of the Dudhddhart, dated 14th April 1848, to
COLONEL C. G. DIXON, Superintendent of Ajmere and Merwara.*

"With your assistance, and in accordance with your directions, I have built a temple to Banki Behariji, in the waste tract between Nausar Ghat and Kuppul Kund Chouki I have dug a baori and wells, I have planted two groves, and many mango trees. I have collected many milch cattle, and have established a charity for the poor and travellers on this road. My only object in thus amassing worldly wealth, is that, it may all be considered "*wakf*" for the service of God, and that the poor and travellers may derive benefit therefrom. Let none of my successors consider himself owner or heir of any portion of this property, but let him always spend the revenue in almsgiving. Let him sell nothing for his own benefit, let him convert nothing to his own use. Let no person annoy any bird or beast within these precincts, let no person cut down any tree. As long as I live, I shall do as herein set forth, but without the aid of Government this charity cannot be perpetual. I pray therefore that Government may order a slab of marble to be erected, and on it be engraved my wishes as above set forth, and it be recorded, that if any of my successors act contrary to this my disposition, God

Land and Revenue.]

will visit him, and that the Officers of Government will always render assistance and always watch the conduct of my successors. If any transgress these rules and live a worldly life, that Government will dismiss him and appoint a fit successor, with the advice of respectable Hindoos."

On this is the order of COLONEL DIXON, dated 14th April 1848.

"For 25 years the Dudhahari has lived in Neela Seoree by the permission of the District authorities. It was a place of rock and sand, and by continuous toil, and the expenditure of thousands of rupees he has planted many fruit trees, dug wells and a baori, built a temple and a house, and rendered the place habitable. Owing to his residence here robberies and dacoities, have ceased. He nourishes the poor and him that has none to help him. He now desires to perpetuate his ever flowing benevolence. His motives are deserving of reward in a future life. His request is beneficial to the public and deserving of support. His request is granted. Let the stone be erected, engraved in English, *Hindee and Persian, and let Government in future years provide for the fulfilment of the petitioner's wishes.

(True Translation.)

J. DIGGES LA TOUCHE,

Secretary to Committee.

**The inscription on the stone is quaint and is as follows:—*

"I, Dudhahari, do hereby ordain, that my Chelas shall distribute the flowers, fruit and other produce of the garden and Kanhiya Ji's temple, both situated under Neela Seoree of Nagpahar, in the vicinity of the town of Ajmere, in charitable and hospitable purposes; and that none shall have any power whatever either to sell or mortgage either the garden, its produce, or the temple. Let no Government for the sake of Parmeshwar, Khuda and Mohammed and Jesus Christ seize upon them as unclaimed property or on any other ground."

Here follows a rough delineation of two Europeans in a sitting attitude, said to represent Moses and Jesus Christ, and of a pig and a cow, emblems to awe Mohammedan and Hindoo Governments.

(Land and Revenue.

Note by MEER NIZAM ALI, Member of the Committee.

At the commencement of British rule, Mr. Wilder investigated the old Sanads, and in October 1818 reported that 6½ villages were held in Jagir by Sham Beg Khan and Sheikh Najm-ud-din. Government sanctioned the Jagir. Again at the request of my father, Irshad Ali, he made a report in order to obtain remission of certain cesses. During this time Inayat-ul-lah Khan made no representation. In Mr. Cavendish's time my father's enemies induced Inayat-ul-lah Khan to lodge objections, but beyond giving false evidence they could prove nothing, and were punished. Consequently Mr. Cavendish thought the case unworthy of attention. This was 45 years ago, and on three occasions the Governor-General and Lieutenant Governor visited Ajmere, inspected the records, and inquired into the past history of the District from the District Officers. Many Officers served in Ajmere since Mr. Cavendish's time, and it moves wonder that none of them paid attention to this file, nor does it appear that any complaint was made before them. After this lapse of time these ancient proceedings are worthless and void. I have always been in possession of Jharwasa and Bhattianee.

As to Dilwara it was given by Farrokhsir to the children of Shurf-ud-din. His son was Mohammed Ishaq Ali, who got possession, and his descendants are correctly given by Inayat Ali, father-in-law of and Manager for Inayat-ul-lah Shah. I hold half Dilwara by *farman* and deed of gift.

The decision arrived at by the Committee regarding Makhopura is sudden death to me, and is not in accordance with the orders of Doulat Rao Scindia. I beg that this note of mine may be filed with the proceedings of the Committee.

(True Translation)

J. DIGGES LATOUCHE,

Secretary to Committee.

Land and Revenue.]

List showing the area of Jagir Villages.—(Continued.)

No.	Name of Jagirdars	Nature of Cultivated land.	AREA AND NATURE OF LAND.				AVERAGE RENT ROLL FOR 10 YEARS.		Assessment as per Klunka vil- lages now levied by Settlement Officer.	Amount of cesses at 3 2 0 per cent.	REMARKS.
			Chabec.	Talabec.	Aloe	Barance.	Uncultivated.	Total			
1	Jagir of Chilla Kara Peer ...	Khalsa . Musaffee ... Dhoom ...	197	..	..	400	1,820	2,417	1,208 0 0	1,553 0 0	35 0 0
			8	..	..	22	..	30			
			16	..	..	1	2	19			
			221	.	..	423	1,822	2,466			
4	Jagir of Nath Dwara Temple.	Khalsa ... Musaffee ... Dhoom ...	325	..	84	600	778	1,703	1,372 0 0	1,426 0 0	64 0 0
			19	..	..	17	1	37			
					
			344	..	84	626	779	1,833			

Land and Revenue.]

List showing the area of Jagir Villages.—(Continued.)

No.	Name of Jagirdara.	Nature of Cultivated land.	Area and Nature of Land				Average Rent for 10 Years.		Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 320 per cent.	Remarks.
			Chabee.	Talabee.	Alee.	Baranee.	Uncultivated.	Total.			
1	Jagir of Raja Debi Singh	Khalsa Jagir ...	456	90	42	1,254	7,456	9,678	Kotah 601 0 0 Kotah and Rajmuri 4,237 0 0	3,089 4 1	97 0 0
		Muafi ...	58	...	37	172	32	299			
		Bhoom ...	6	...	...	46	6	57			
		Total ...	520	90	459	1,472	7,493	10,034			
	Jagir of Dewan Ghayas-ud-din Ali Khan ...	Khalsa Jagir ...	276	8	78	208	436	1,006	1,559 0 0 2,047 0 0	1,322 0 0	41 0 0
2	Jagir of Dewan Ghayas-ud-din Ali Khan ...	Muafi ...	7	...	...	3	1	11			
		Bhoom ...	...	...	...	...	...	...
		Total ...	283	8	78	211	437	1,017			

Land and Revenue.]

List showing the area of Jagir Villages —(Continued.)

No.	Name of Jagirdara.	Nature of Cultivated land	Area and Nature of Land.				Average Rent-Roll for 10 years.		Assessment as per Khalsa vil- lages now levied by Settlement Officer.	Amount of cesses at 3 2-0 per cent.	Remarks.
			Chabee	Talabce	Abee.	Baranee.	Uncultiva- ted	Total			
6	Jagir of Meer Nizam Ali ...	Khalsa ...		408	377	1,024	8,540	10,820	4,760 0 0	5,545 0 0	110 0 0
		Muafee ..	26	23	24	60	68	210			
		Bhoom ...	43	35	27	31	112	247			
		Total ..	450	466	511	1,114	8,720	11,283			
7	Jagir of Gulab Singh ...	Khalsa ...	127	3	111	573	900	1,744	572 0 0	632 0 0	28 0 0
		Muafee ...	6	...	4	26	1	37			
		Bhoom ..	.	...	...	.	..	...
		Total ...	133	33	115	599	901	1,781			
8	Jagir of Salig Ram Jyotihal.	Khalsa ...	301	8	8	648	1,497	2,434	2,024 0 0	2,309 0 0	54 0 0
		Muafee ...	12	...	..	...	...	12			
		Bhoom ...	17	...	...	15	21	50			
		Total ...	330	8	8	668	1,488	2,497			

2	Jagir of Gokul- pari Goseen.	{	Khalsa ...	186	30	123	275	70	1,428	1,336	0	1,555	0	1,310	0	41	0	0	
			Musafree .	...	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...
			Dhoom ...	42	:	...	...	5	3	52	...	...	...	...	...	...	...	...	...
			Total ...	228	3	127	280	72	1,391	...	...	...	...	...	...	...	...	...	...
Grand Total ...	{	Khalsa ...	3,885	1,115	1,600	11,126	33,019	50,712	25,619	0	32,535	0	25,728	8	0	0	0		
		Musafree .	349	36	8	961	371	1,799	...	...	...	...	...	...	...	...	...	...
		Dhoom ...	378	4	32	806	817	2,074	...	...	...	...	...	...	...	...	...	...
		Total ...	4,612	1,191	1,712	12,893	34,506	54,614	...	...	...	...	...	...	...	...	...	...
1	Half of Akkrce ..	{	Khalsa ..	50	30	64	237	171	550	765	0	765	0	425	0	0	0		
			Musafree .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
			Dhoom ...	5	...	...	26	...	30	...	...	...	...	...	...	...	...	...	...
			Total ...	57	30	64	263	171	580	...	...	...	...	...	...	...	...	...	...
2	Bannoree ...	{	Khalsa ...	79	52	10	577	2,202	2,924	927	0	1,120	0	704	0	22	0		
			Musafree	17	14	31
			Dhoom ...	17	6	13	71	32	147
			Total ..	94	54	23	673	2,248	3,094

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Land and Revenue.]

List showing the area of Jagir Villages—(Continued)

No.	Name of Jagirdars.	Nature of Cultivated land.	AREA AND NATURE OF LAND					AVERAGE RENT-ROLL FOR 10 YEARS		Assessment as per Khalsa villages now levied by Settlement Officer.	Amount of cesses at 3-2 0 per cent.	REMARKS
			Chalce.	Talabce.	Ablec.	Barandee	Uncultivated	Total	Average of Jamma, excluding cesses.	Average of Jamma, including cesses.		
1	Gunahera ...	Khalsa ..	132	55	220	172	1,020	2,199	...	...	1,544 0 0	48 0 0
2		Musaffee ...	19	...	3	3	...	25	...	...	...	...
3		Bhoom ..	2	8	13	23	25	71	...	...	...	...
		Total ..	163	63	230	198	1,645	2,295	...	...	...	...
4	Morajharce ...	Khalsa ...	283	42	17	667	1,372	2,381	2,188 0 0	2,337 0 0	1,534 0 0	48 0 0
		Musaffee ...	13	2	...	74	2	91	...	...	...	...
		Bhoom ...	51	2	...	38	61	155	...	...	...	...
		Total ...	320	46	17	779	1,435	2,637	...	...	...	...

5	Half of Nandla ...	{	Khalas ...	289	...	55	478	540	1,362	1,628	0 0	1,841	0 0	1,347	0 0	42	0 0
			Musafie ...	...	...	...	...	...	...	...
			Bhoom ...	...	...	...	...	...	...	...
	Total ...		...	289	...	55	478	540	1,362								
6	Hatheckhera ...	{	Khalas ...	99	...	3	307	2,021	2,428	719	0 0	982	0 0	554	0 0	17	0 0
			Musafie ...	13	...	...	17	11	41								
			Bhoom ...	...	...	..	.	..	...		
	Total ...		...	112	...	3	322	2,032	2,469								
	Grand Total ...	{	Khalas ...	932	179	369	2,434	7,026	11,846	6,227	0 0	7,015	0 0	6,112	0 0	177	0 0
			Musafie ...	45	2	3	111	27	188								
			Bhoom ...	76	16	20	165	118	401								
	Total ...		...	1,053	197	398	2,710	8,071	12,429								

Land and Revenue.]

List showing area of Jagir Villages.—(Continued.)

No.	Name of Jagirdara.	Nature of Cultivated land.	AREA AND NATURE OF LAND.				AVERAGE RENT ROLL FOR 10 YEARS.		Assessment as per Khalsa villages now levied by Settlement Officer	Amount of cesses at 3.20 per cent.	REMARKS.
			Chabee.	Talabee.	Abee.	Baranee.	Uncultivated.	Total.			
1	Jagir of Khadims of Durgah.	Khalsa ...	835	50	270	3,548	6,693	11,397	2,206 0 0	2,661 0 0	172 0 0
		Muafice ..	56	...	..	81	100	237			
		Bhoom ...	100	1	40	194	31	366			
		Total .	992	51	310	3,823	6,824	12,006			
2	Jagir of Brahmins of Pushkar Basti kalan.	Khalsa ...	28	1	327	476	4,490	5,322	...	...	31 0 0
		Muafice ..	.	2	4	...	...	6			
		Bhoom ...	...	...	...	...	...	...	978 0 0		
		Total ...	29	3	331	476	4,490	5,325			

No 31, dated Ajmere, the 12th January 1875.

From—J. DIGGES LA TOUCHE, Esq, Settlement Officer, Ajmere.

To—L. S. SAUNDERS, Esq, Commissioner, Ajmere.

SIR,

In reply to your No 3922, dated 31st December 1874, enclosing a letter from the Chief Commissioner, No. 1020 of 28th December 1874, I have the honor to forward thirty separate proposition statements, one for each of the Jagir grants of Ajmere

2. The classification adopted is as follows .—

I A.—Endowments of Institutions, and sacred Buildings

I B.—Endowments of offices connected with these Institutions.

II A.—Personal grants, where there is a sole Jagirdar.

II B.—Personal grants, where there is a Jagirdar and subordinate sharers.

II C.—Personal grants, where there is no Jagirdar

III.—Grants to Corporations

3. The detailed remarks on each Estate render unnecessary any lengthened explanation. I would, however, direct attention to Nila Seori, Jharwasa and Bhattianee and Bawori as perhaps requiring explicit orders. It will be observed that the rule of succession among the subordinate sharers in Class II B, is, (in accordance with the order of the Chief Commissioner in para. 4 of his letter,) that of primogeniture.

Land and Revenue.]

JAGIR ESTATES, AJMERE.
(Separate Proposition Statement.)

No. 1

DARGAH KHAWAJA SAHIB.

Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 10 per cent.	Tenure and conditions of the grant.
	Chaboc.	Talaboc.	Misce.	Barance.	Uncult.	Total.	Excluding cesses.	Including cesses.		
1. A Dargah of Khwaja Maun ul din Chisti, commonly called Khwaja Sahib	2,345	220	124	7,743	21,780	31,821	21,116	27,232	Rs. 16,924	Rs. 530
...	1,124	33	35	535	1,065	2,797				
...	377	23	6	902	407	1,771				
Total ..	3,851	276	165	8,780	29,317	39,383				

The grant of this Estate is in perpetuity, and lasts as long as the Dargah exists, and the objects of the endowment are fulfilled, no part of the estate is transferable by sale or mortgage. It is the duty of the Manager and of the Committee appointed under Section 3, Act XX of 1863 to keep the accounts required by the Act, and to provide that the assets are expended for the purposes of the Institution. Neither the Manager nor the Committee has any power to alienate the revenue-paying land of the estate, on revenue-free-tenure. The grant is made to the Institution itself, and the Manager and the Committee, are trustees for carrying out the purpose of the Institution.

J. DIGGES LA TOUCHET,
Settlement Officer, Ajmere.

The Estate contains the following 14 villages exclusive of Datra, Hokran and Kishnupura which belong to class I B. —

1. Amla Masceana.
2. Badhwara.
3. Parbatiwara.
4. Pecholcan.
5. Tillora.
6. Chandcan.
7. Khawajpura.
8. Khawajpura Bhirwae
9. Kadampura.
10. Kanca.
11. Khyria (Khwaja Sahib.)
12. Kayur.
13. Korati.
14. Nabab.

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 2

HOKRAN KISHNPURA.

Class	Name of Jagirdars	AREA AND NATURE OF LAND					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2 10 per cent.	Tenure and conditions of the grant.
		Chahoc.	Talabee.	Abec.	Barance	Uncultivated.	Total.	Excluding cesses			
III	{ Dewan for the time being, of Dargah Khwaja Muten ud din Chauti.	Khalsa.	6	291	531	5,013	6,119	Ra.	Ra.	Ra.	Rs
		278						2,008	3,634	2,191	69
		Milik.									
		12	14	8	4	2	40				
		Bhum.		...	46	92	225				
		87	...								
	TOTAL ...	377	20	299	581	5,107	6,384				

The two villages Hokran and Kishnpura form one Estate, which falls under the second Sub division of Class I, being held by the Dewan of the Dargah, in lieu of the perquisites attached to his office. The estate is indivisible, and no part of it is transferable by sale or mortgage. It is not subject to the provisions of Act XX of 1863. The Dewan for the time being, is entitled to enjoy the revenue, and as the villages form part of the endowment of the Dargah, the grant will last as long as the Dargah exists.

J. DIGGES LA TOUCHÉ,
Settlement Officer, Ajmere.

Land and Revenue.]

JAGIR ESTATES, AJMERE. (Separate Proposition Statement)

No. 3

DANTRA.

Class.	Name of Jagirdars.	Area and Nature of Land.					Average Rent-roll for 10 years		Settlement Officer's Assessment as on Khalsa.	Classes at 220 per cent	Tenure and conditions of the grant.
		Chaboe.	Talaboe.	Abooe.	Barance.	Uncultivated.	Total	Excluding cesses.	Including cesses.		
III	Mutwalli, for the time being of Dargah Khwaja Muen-ud din Chisti.							Rs	Rs.	Rs.	This Estate falls under the second sub-division of Class I, being held by the Mutwalli of the Dargah, in lieu of the perquisites attached to his office. It is indivisible and no part of it is transferable by sale or mortgage. It is not subject to the provisions of Act XX of 1863. The Mutwalli for the time being, is entitled to enjoy the revenue, and as the village forms part of the endowment of the Dargah, the grant will last as long as the Dargah exists.
		Khalisa.			756	1,733	2,972	3,289	3,544	2,237	
		513	.				67			71	
		Muluk			10	2					
		55	"								
		Bhura.			214	23	451				
		211									
	TOTAL	782	"	"	950	1,759	3,490				

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 4

DARGAH MEERAN SAHIB.

Class	Name of Jagirdars	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 3 to 10 per cent.	Tenure and conditions of the grant.
		Chabee.	Talabee.	Abee.	Baranee.	Uncultivated.	Total	Excluding cesses.	Including cesses		
I A.	{ Dargah of Sayed Meeran Husein, commonly called Meeran Sahib.	Khalisa.	66	72	1,218	3,122	5,016	5,862	4,367	3,019	96
		538									
		Mulki.	9	4	482	126	1,567				
		586									
		Dhurm.	9	6	181	76	389				
		117									
			84	82	1,881	3,324	6,612				
	TOTAL ...	1,241									
The Estate contains three villages; Dorai, Sonuipur and Khyra (Meeran Sahib.)											

The grant of this Estate is in perpetuity and lasts as long as the Dargah exists, and the objects of the endowment are fulfilled. No part of the Estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863, and to provide that the assets are expended for the purposes of the Institution. The Manager has no power to alienate the revenue-paying land of the Estate on revenue, free-tenure. The grant is made to the Institution itself, and the Manager is a trustee for carrying out the purposes of the Institution.

J. DIGGES LA TOUCHÉ,
Settlement Officer, Ajmere.

Land and Revenue.]

JAGIR ESTATES, AJMERE.
(*Separate Proposition Statement.*)

No. 5

MAKHUPURA.

Class.	Name of Jagirlars.	AREA AND NATURE OF LAND.						AVERAGE RENT ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.
		Chabce.	Talabce.	Aloed.	Baranec.	Uncult. valcd.	Total.	Excluding cesses.	Including cesses.			
A.	Dargah of Pir Dist- gr, commonly called Chulla Bara Pir.	Khal'sa.	400	1,850	2,417	Rs. 1,208	Rs. 1,553	Rs. 1,110	35	The grant of this Estate is in per- petuity and lasts as long as the shrine exists, and the objects of the endowment are fulfilled. No part of the Estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts re- quired by Section 4, Act XX of 1863, and to provide that the assets are expended for the purposes of the Institution. The Manager has no power to alienate the revenue pay- ing land of the Estate on revenue- free-tenure. The grant is made to the shrine itself, and the Manager is trustee for carrying out the pur- poses of the Institution.
		107	...	...	...	...	...	...	...	...	...
		Miluk.	...	...	22	...	30	...	...	...	...
		8	...	...	...	...	...	...	...	...	...
		Bhum.	...	...	1	2	19	...	...	...	...
	Total	221	473	1,822	2,466					J DIGGES LA TOUCHE, Settlement Officer, Ajmere.

J DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

No. 6 **JAGIR ESTATES, AJMERE.** *(Separate Proposition Statement.)*

BHAWANI KHERA.

Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 3.20 per cent.	Tenure and conditions of the grant.
	Chahoe.	Talaboe.	Abee.	Darane.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
1A. Temple of Nathdwara in Siewar.	Khalsa.	325	...	84	609	778	Rs. 1,372	Rs. 1,420	Rs. 2,035	Rs. 64
	Milk.	19	...	.	37	1				
	Bhum Nil					37				
	Total	344	...	84	626	779				
						1,833				

The grant of this Estate is in perpetuity and lasts as long as the temple of Nathdwara exists, and the subjects of the endowment are fulfilled. No part of the Estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863, and to provide that the assets are expended for the purposes of the Institution. The Manager has no power to alienate the revenue paying land of the Estate on revenue-free tenure. The grant is made to the temple itself, and the Manager is a trustee for carrying out the purposes of the Institution.

J DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

Land and Revenue.]

No. 7 JAGIR ESTATES, AJMERE.

(Separate Proposition Statement)

BHAGWANPURA LALIKHERA.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND					AVERAGE RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 20 per cent	Tenure and conditions of the grant.
		Chabwa.	Talabwa.	Alewa.	Barabwa.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
I A.	Chatrai Surji Rao.	Khalsa	269	93	707	2,573	3,702	Rs. 2,742	Rs. 2,964	Rs. 1,811	Rs. 57
		M. bk.	56	9	62	75	203				
		Bh. um.	110	6	139	298	559				
	TOTAL	441	...	108	968	2,947	4,404				

The grant of this Estate is in perpetuity, and lasts as long as the tomb exists, and the objects of the endowment are fulfilled. No part of the estate is transferable by sale or mortgage. It is the duty of the Manager to keep the accounts required by Section 4, Act XX of 1863, and to provide that the assets are expended on the necessary expenses of the tomb, and in almsgiving. The Manager has no power to alienate the revenue paying-land of the Estate on revenue-free-tenure. The grant is made to the tomb itself, and the Manager is a trustee for carrying out the purposes of the Institution.

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE.
(*Separate Proposition Statement.*)

No. 8.

NILA SEORI.

Name of Jagirdars.	AREA AND NATURE OF LAND						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Ceases at 3-2-0 per cent.	Tenure and conditions of the grant
	Chabee.	Talabee.	Alee.	Barance.	Uncultivated.	Total.	Excluding ceases.	Including ceases.			
Charitable trust of Dudhadhari ...	10 ..	..	..	3	821	834	Not procurable.		Rs. 150	Rs. 5	The Jagir Committee proposed to consider this estate as belonging to class I A., a charitable trust of which the Dudhadhari for the time being, is manager; but the estate should perhaps more correctly be classed as II A. The grant is in perpetuity to the Dudhadhari for the time being. No part of the estate is transferable by sale or mortgage. The condition of the grant is, that the Dudhadhari protect so much of the road through the Pushkar Pass as is adjacent to his Jagir; and that he pay compensation for any losses which may occur in that portion of the road from the bottom of the Pass to the open country beyond.
	Bhum and Milk Nil.										

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

II A, by the Committee it is classed as I A. Class.

Land and Revenue.]

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

No. 9.

RAJGURH.

Class	Name of Jagirdara.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the Grant.
		Chabre.	Talabca.	Abea.	Barabee	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
IIA.	Raja Deri Singh, Gor of Rajgurn.	Khalisa.						Rs.	Rs.	Rs.	T
		451	90	414	893	6,912	8,708	...	3,073	3,940	92
		Mulk.									
		58	...	37	136	30	261				
		Bhum.		Nil							
	Total ...	509	90	451	1,035	8,942	9,027				J. DIGGES LA TOUCHE, Settlement Officer, Ajmere.

No. 10. JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

TOTAL.

Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khata.	Cesses at 25-0	Tenure and conditions of the grant.
	Chalce.	Talace.	Abee.	Barance.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
1. Raja Devi Singh, Or of Rajgurn, Jagirdar, and Bheem Singh, Mohan Singh ...	Khs. lae. 5 ...	...	8	355	544	912	601	614	Rs. 149	Rs. 5
	Mulk. ...	...	...	36	2	38				
	Bhum. 6 ...	...	...	48	5	57				
Total ...	11	...	8	437	531	1,007				

The grant of this estate is in perpetuity. The share now held by Raja Devi Singh herein termed "the Jagirdar" is not transferable by sale, and shall not be sub-divided by any law of inheritance; but shall descend in blood to the nearest by kindred or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own life-time only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Zamindar.

The shares of Bheem Singh and Mohan Singh are not transferable by sale, and shall descend in blood to the nearest by kindred or adoption. In case of failure of heirs their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life; to each other or to the Jagirdar, mortgages are allowed without limit.

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (Separate Proposition Statement)

No. 11.

DILWARA.

Name of Jagirdars.	AREA AND NATURE OF LAND					AVERAGE RENT-ROL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.
	Challee	Taluk	Abee.	Baranee.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.		
1113 Bhiyas ud din Ali Khan, Dewan of Dar rah and Miratunnisa Raza Hussain, Mar dan Ali Inayat Ali, Kudret Ali, Sham ud-din, Inam Ali Khurshed Raho, Rus tam Ali, Najim ud din, Ghulam Ali ..	275	8	73	208	436	1,006	1,559	2,047	Rs. 41	The grant of this estate is in perpe- tuity. The share now held by Ghayas- ud-din, Ali Khan, herein termed the Jagirdar, is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block to the nearest by kindred or by adoption. In the event of dis- putes or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own life-time only except by consent of Government. The younger lineal descendants of the Ja- girdar are entitled to receive mainte- nance under the same rules as the younger sons of an Istimardar. The shares now held by the subor- dinate sharers are not transferable by sale and shall descend in block to the nearest by kindred or adoption. In case of failure of heirs, their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life: among themselves and to the Jagirdar, mortgages are allowed without limit. J. DIGGES LA TOUCHE, <i>Settlement Officer, Ajmere.</i>
TOTAL ...	233	8	78	211	437	1,017				

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 12.

Class	Name of Jagirdar.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalisa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
		Chahi.	Tabla.	Abl.	Barani.	Unculti- vated.	Total	Including cesses	Excluding cesses		
IIA	{ Nawab Abdul Kurim Khan.	Kha'isa.	795	500	324	2,832	8,431	12,902	Rs.	Rs.	Rs.
		Mulk.	10	16	6	50	1	83	8,384	9,218	166
		Dharm.	78	3	5	211	625	952			
			883	519	335	3,128	9,077	13,937			
	Total	...									
<p>The estate consists of the following villages: (1) Boaraj Kaupura, (2) Sitawareen, (3) Sedarn (4) Kaurpura. In the area above given are included half the area of the six hamlets into which the old village of Durathu has been now divided, and from each of which the Jagirdar receives half the net Government Revenue, viz:—Durathu, Motipura, Jagpura, Ratakhara, Dhola Danta, Chait.</p>											
											<p>The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption. In the event of dis- pute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimdar</p>
											<p>J. DIGGES LATOUCHE, <i>Settlement Officer, Ajmere.</i></p>

JAGIRE ESTATES, AJMERE. (Separate Proposition Statement.)

No. 13.
GUNGWANA, OOTRA MAGRA.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND.				AVERAGE RYNT HOLD. FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa	Ceases at 1.0.0 per cent.	Tenure and conditions of the grant.
		Chabl.	Tabl.	Abl.	Baranl.	Uncultivated.	Total.			
III	Raja Bahwant Singh, Jagirdar, and Sawant Singh, Gulab Singh, Bakhtawar Singh, Aman Singh,	Khas. 630	...	...	3,553	2,840	7,023	Ra. 3,791	Ra. 3,964	The grant of this estate is in perpetuity. The share now held by Raja Bahwant Singh, herein termed "the Jagirdar," is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block to the nearest by kindred or by adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lined descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrariar. The shares of Sawant Singh, Gulab Singh, Bakhtawar Singh, Guman Singh and Aman Singh, are not transferable by sale, and shall descend in block to the nearest by kindred or adoption. In case of failure of heirs, their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life: to each other or to the Jagirdar, mortgages are allowed without limit.
		Mulik. 191	...	...	637	242	1,070	Ra. 3,615	Ra. 3,964	
		Bhum. 130	...	...	Nil.	45	600	Ra. 3,791	Ra. 3,964	
		...	...	...	4,621	3,133	8,703	Ra. 3,791	Ra. 3,964	
	TOTAL	951	...	...	4,621	3,133	8,703			

J. DUGGES LA TOUCHETTE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 14.

DUDIANA.

Class	Name of Jagirdar.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 20 per cent.	Tenure and conditions of the grant.	
		Chabab.	Talabab.	Abad.	Baranab.	Uncultivated.	Total.	Excluding cesses.				Including cesses.
IIA	Meer Inayat-Ullah Shah	Khalasa.	583	...	...	539	1,134	2,256	1,995	2,256	Rs.	Rs.
		Mulik.	7	...	...	3	16	26	...	...	...	...
		Dhum.	44	...	...	...	1	45	...	...	...	...
	Total	...	634	...	...	542	1,151	2,327	...	...	...	...
<p>The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an latimardar.</p> <p>J. DIGGES LA TOUCHE, Settlement Officer, Ajmere.</p>												

The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Latimardar.

J. DIGGES LA TOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

No. 15.

DILWAREE.

Class.	Name of Jagirdars.	AREA AND NATURE OF LAND						AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 30.0 percent.	Tenure and conditions of the grant.
		Chaboe.	Talaboe.	Abee.	Barance	Unculti- vated.	Total	Excluding cesses.	Including cesses.			
III.	Meer Inayat-Ullah Shah Jagirdar, and Meer Nizam Ali, Surfaraz Ali.	Khalsa.	160	29	57	220	1,021	1,547		Ra.	Ra.	The grant of this estate is in per- petuity. The share now held by Meer Inayatullah Shah, herein termed "the Jagirdar," is not trans- ferable by sale, and shall not be sub- divided by any law of inheritance ; but shall descend in block to the nearest by kindred or adoption. In the event of disputes or of the ex- tinction of all title to succeed, Gov- ernment shall determine the suc- cession by executive order. The Jagir- dar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrariar. The shares of Meer Nizam Ali and of Surfaraz Ali are not transferable by sale, and shall descend in block to the nearest by kindred or adop- tion. In case of failure of heirs their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger but only for the term of the mortga- gor's life, to each other or to the Jagirdar, mortgages are allowed without limit. J. DIGGIES LA TOUCHETTE, Settlement Officer, Ajmere.
										Rs.	Rs.	
										805	25	
										1,042		
	TOTAL	200	29	57	268	1,026	1,640					

No. 16. JAGIR ESTATES, AJMERE.
(Separate Proposition Statement.)

JHARWASA-BHATTIANI

Class	Names of Jagirdars	AREA AND NATURE OF LAND.				AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2 1/2 per cent.	Tenure and conditions of the grant.
		Chabce	Talabce	Abce.	Baranea	Uncultivated.	Total	Excluding cesses.	Including cesses.	
HIB	Meer Nazim Ali, Jagirdar, & Sarfaraz Ali, Alam Ali, Marlan Ali, Sarfaraz Ali, Muboh De	371	408	477	1,024	8,540	10,820	Ra. 4,776	Ra. 6,515	The grant of this estate is in perpetuity. The share now held by Meer Nazim Ali, herein termed "the Jagirdar" is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block to the nearest by kindred or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger son of an Istimrardar. The share of Sarfaraz Ali is not transferable by sale, and shall descend in block to the nearest by kindred or adoption. In case of failure of heirs, his share shall lapse to the Jagirdar or his successors. He and his successors may mortgage to a stranger, but only for the term of the mortgagor's life: to the Jagirdar mortgages are allowed without limit. The annuities shall follow the rule of succession customary in the family of the annuitants, and in case of failure of heirs shall lapse to the Jagirdar. They may not be sold, nor mortgaged beyond the term of the mortgagor's life, except to the Jagirdar
	Muboh De	58	23	20	60	63	216	Ra. 3,545	Ra. 110	
	cam, are four shares who receive a fixed annuity from the assets of the Jagir.	43	35	27	30	112	247			
	Total ...	450	460	533	1,114	8,720	1,1283			

No. 17. JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

ARIJANPURA.

Class	Name of Jagirdara.	AREA AND NATURE OF LAND					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 10 per cent	Tenure and conditions of the grant.
		Chaboc.	Talaboc.	Aboe.	Barandoc.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
IIA	Gulab Singh Gor.	Khalsa						Rs.	Rs.	Rs.	The grant of this estate is in perpetuity. The land now held by Singh herein termed "the Jagir" is not transferable by sale, or not be subdivided by any law of inheritance; but shall descend to the nearest by kindred or otherwise. In the event of disputes, or extinction of all title to the Government shall determine the same by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, with the consent of Government. The lineal descendants of the Jagirdar are entitled to receive maintenance on the same rules as the young of an Istimrardar. The 10 persons who hold land as an equivalent of their maintenance are not abaters in the estate. They cannot sell or mortgage their lands except to the Jagirdar, who will succeed on failure of heirs. Succession of this land shall be regulated by the rule of the family of the persons in possession.
		127	37	111	573	900	1,744	572	632	901	
		Nil									
		0	...	4	20	1	37			28	
	TOTAL	133	33	115	599	901	1,781				

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 18.

MANGLEAWAS.

Class.	Name of Jagirdars.	AREA AND NATURE OF LAND					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
		Chabee.	Talabee.	Abee.	Darandee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
HA	Saligram Jothhi	Khalsa.	8	8	648	1,467	2,432	Ra.	Ra.	Ra.	The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest by kindred or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimraridar.
		301	8	8	648	1,467	2,432	2,024	2,309	54	
		Milik.	12	...	...	...	12				
		Dham.	17	...	15	21	53				
	TOTAL ...	330	8	8	663	1,488	2,497				J. DIGGES LATOUCHE, <i>Settlement Officer, Ajmere.</i>

Land and Revenue.]

JAGIR ESTATES, AJMERE.
(*Separate Proposition Statement.*)

No. 19.

CHAWANDA.

Class.	Name of Jagirdars.	Area and Nature of Land.						Average Rent-Roll for 10 Years.		Settlement Officer's Assessment as on Khalsa.	Ceases at 10 per cent.	Tenure and conditions of the grant.
		Chaboe.	Talaboe.	Alee.	Ramnee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.			
IIA	Gokulpuri Gossain	Khalsa.	186	36	123	275	708	1,328	Rs. 1,336	Rs. 1,555	Rs. 1,310	41
		Miluk.	...	...	4	...	2	13				
		Dhann.	42	2	...	5	3	52				
		TOTAL	...	...	...	...	...	...

The grant of this estate is in perpetuity. The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to this Gossain. In the event of separate Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government.

J. DIGGES LATOUCHE.
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (Separate Proposition Statement.)

No. 20.

HALF OF AKHRI.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL PER 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.50 per cent.	Tenure and conditions of the grant.	
		Chahi.	Talab.	Abi.	Barani.	Unculti- vated.	Total.	Excluding cesses.				Including cesses.
HIC	Sharf ud din, Amrac										The grant of half the net revenue of Akhri is in perpetuity. None of the sharers are entitled to the desig- nation of Jagirdar. Each shall enjoy the share of the revenue of which he is or may become lawfully posses- sed. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his own life to a stran- ger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.	
	Bibi, Sarfaraz Ali,	Khalsa.	30	64	235	171	550	765	Rs	Rs		
	Asad Ali, Nurul	50								429		
	Hasan, Alam Ali,	Muaff Nil.										
	Ashraf Ali, Nurul											
	Ali Vakil, Karim											
	Ata, Sadr-ud-din,											
	Wazir Ali, Ihsan											
	Ali, Kasim Ali,											
	Khadim Hussain,											
	Inam Ali, Haidar	5	...	...	25	..	30			
Ali, Meer Inayat ullah Shah,												
	TOTAL	55	30	64	260	171	580					

The area shown in this statement is half the area of the village, but there is no land which is really
Jagr. The Jagirdars receive from the Treasury half the net Government revenue, a sum equivalent
according to the present assessment to Rs. 429, and they have no concern with the management of the
village.

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

The area shown in this statement is half the area of the village, but there is no land which is really Jagir. The Jagirdars receive from the Treasury half the net Government revenue, a sum equivalent according to the present assessment to Rs. 429, and they have no concern with the management of the village.

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

Land and Revenue.]

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

No. 21.

BANEORI.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND.					AS FRAGR RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 1-20 per cent.	Tenure and conditions of the grant.
		Chabua.	Talabua.	Abua.	Darabua.	Uncult. rated.	Total.	Excluding cesses.	Including cesses.		
H.C.	Amcer Ali, son of Khawas, Buthsh	79	52	10	577	2,202	2,920	927	1,130	Rs. 701	Rs. 22
	Amcer Ali, Khari ul din, son of Meer										
	Hafiz Ali, Ibrahim			..	17	14	31				
	unites, Ibrahim Ali,										
	Ghulam Ahmed										
	Abu Bakr, Zainat										
	Bibi, Mewa Bibi,			13	70	32	145				
	Husein Buthsh.	15	8								
	—										
	Six Mahajana.										
	TOTAL	94	68	23	673	2,248	3,006				

The grant of this estate is in perpetuity. None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers.

Any shareholder may mortgage his share for the term of his life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.

The share held by the six Mahajana who had no right to purchase should be assessed, and the revenue applied for the advantage of the general body of sharers.

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

No. 22.

GANAHERA.

Class.	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT-NOLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Ceases at per cent.	Tenure and conditions of the grant.
		Chabee.	Talabee.	Abee.	Ranace.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
IIC	Munir Beg, Saadat Bibi, Kari Muniruddin, Ghiyasuddin, Shafie Hussain, Asgar Ali, Ghaffar Ali, Khudmat Ali, Abdul Kalam, Munwar Bibi, Hussain Ali, Najaf Hussain, Wazir Begum, Mirza Ali, Asad Ali, Surfaraz Ali, Alimunnisa, Jafar Ali, Chum Begum, Ashraf Ali, Ramunisa, Alam Ali, Nur-ul Hasan, Shurfnunisa, Nohammet Hussain Ahmed Hussain, Najeebunnisa, Sadr ul din Ghulam Hussain.	132	55	250	172	1,620	2,109	Not productive.	1,514	48	<p>The grant of this estate is in perpetuity. None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of abaters. Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.</p>
		Khalsa.							Ra.	Ra.	
		132	55	250	172	1,620	2,109	Not productive.	1,514	48	
		Milik.									
		19	..	3	3	..	23				
		Bhum.									
		2	8	13	23	25	71				
	TOTAL ..	53	63	256	198	1,645	2,203				

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

Land and Revenue.]

Name of Jagirdars	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.20 per cent.	Tenure and conditions of the grant.
	Chabwa.	Talabwa.	Abwa.	Baran.	Malik.	Total	Excluding cesses.	Including cesses.		
IIC Meer Hafiz Ali, Wazir Ali, Inan Ali, Mubharif Bibi, Mahommed Hussain, Ameer Ali, Faiz Mahommed.	283	42	17	667	1,372	2,381	Rs. 2,189	Rs. 2,337	Rs. 1,534	48
	13	2	...	74	2	91				
	54	2	...	38	61	155				
TOTAL ...	350	46	17	779	1,435	2,627				

The grant of this estate is in perpetuity. None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is, or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers.

Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.

Class.	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's assessment as on Khalsa.	Cesses at 2 1/2 per cent.	Tenure and conditions of the grant.	
		Chabee.	Talabee.	Abce.	Barance.	Uncultiva- ted.	Total.	Excluding ceses.				Including ceses.
III.	Yousuf Ali, Hafiz Ali, Merden Ali, and 62 Khadims of Dargah of Khwaja Mueen ud-din Chisti.	Khalsa. 239 Milk and Bhum	...	55	478	540	1,362	1,623	1,841	Rs. 1,347	Rs. 42	The grant of this estate is in per- petuity. None of the sharers are entitled to the designation of Jagir- dar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be re- gulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of shareers. Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mort- gages, and gifts are unrestricted.
J. DIGGES LATOUCHE, Settlement Officer, Ajmere.												

Land and Revenue.]

JAGIR ESTATES, AJMERE.
(Separate Proposition Statement.)

No. 25.

HATHIKHERA.

Clas.	Name of Jagirdars.	AREA AND NATURE OF LAND.						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2-20 per cent.	Tenure and conditions of the grant.
		Chahoe.	Talaboe.	Albee.	Darance.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.			
HIC	Nizam Ali Vakil,	Khalsa.		3	305	2,021	2,433	Ra. 719	Ra. 982	Ra. 554	17	<p>The grant of this estate is in per- petuity. None of the sharers are entitled to the designation of Jagir- dar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be re- gulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any shareholder may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.</p>
	Karim Ata, Ishaan	99										
	Ali, Sade-ud-din,	Mulk.										
	Kasim Ali, Jowad	13	"	"	17	11	41					
	Ali, Imam Ali, Haidar Ali, Mee, Imayut-ullah Shah	Byam Nal		"	"	"	"					
	TOTAL	112	"	3	322	2,032	2,409					

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE.

(Separate Proposition Statement.)

No. 26.

BEER.

Class.	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.
		Chabee.	Talabee.	Abee.	Baranee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
III.	Khadims of the Durgah of Khwasia Muejyn ud-Din Chisti.	Khalasa.	583	3	118	1,574	3,856	6,134			The grant of this estate is in perpetuity, and lasts as long as there are Khadims of the Durgah to enjoy it. Each Khadim shall retain the rights of which he or she may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales, mortgages, and gifts are unrestricted. Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims. J. DIGGES LATOUCHE, Settlement Officer, Ajmere.
									Rs.	Ra.	
									3,093	97	
								Not procurable.			
	TOTAL ..	632	3	119	1,665	3,871	6,290				

Land and Revenue.]

JAGIR ESTATES, AJMERE
(Separate Proposition Statement.)

No. 27.

GHEGAL.

Class.	Name of Jagirdara	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 2½ per cent.	Tenure and conditions of the grant.
		Challee.	Talabce.	Abae.	Barance.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
III.	Khadims of the Durgah of Khwas-ja Mueyn-ud-din Chisti.	Kha (as.	...	...	937	837	1,974	Rs. 1,786	Rs. 2,056	Rs. 1,412	Rs. 44
		180	...	...	...	...	...	...	...	...	...
		Milk.	...	...	80	98	234	...	...	...	...
		56	...	...	...	...	...	...	...	...	...
	Bhum.	8	...	...	54	11	73	...	...	...	...
TOTAL		246	...	...	1,071	956	2,281	...	...	...	...

The grant of this estate is in perpetuity, and lasts as long as there are Khadims of the Durgah to enjoy it. Each Khadim shall retain the rights of which he or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers.

Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales, mortgages, and gifts are unrestricted.

Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims.

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (Separate Proposition Statement.)

No. 28.

BAENJA.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 5-20 Per cent.	Tenure and conditions of the grant.
		Chabee.	Talabee.	Abee.	Darabee.	Unculti- vated.	Total.	Excluding cesses.				Including cesses.
III	Khadims of the Durgah of Khwaja Mu'ey ud-din Chisti	73	47	152	1,037	1,980	3,289	Rs. 420	Rs. 605	Rs. 1,000	Rs. 31
		Mihlik N'ul	...	...	...	...	...	...	...	...	...
		Bhum	...	...	...	...	...	...	...	...	...
		43	1	39	50	7	110	...	...	...	...
		TOTAL

The grant of this estate is in per-
petuity, and lasts as long as there are
Khadims of the Durgah to enjoy it.
Each Khadim shall retain the rights
of which he is, or may become lawfully
possessed. None are entitled to the
designation of Jagirdar. Succession
shall be regulated by the rules cus-
tomary in the family of each sharer,
and in case of failure of heirs, the
share shall lapse to the general body
of sharers.

Any sharer may mortgage his share
for the term of his natural life to a
stronger, but may not sell or make
gifts to a stranger. Among the Kha-
dims themselves, sales, mortgages,
and gifts are unrestricted.

Land which has already been alie-
nated by sale or by a mortgage, ex-
tending beyond the lifetime of the
mortgagor, shall be assessed, and the
revenue made over to some responsi-
ble representative of the Khadims for
application for the general benefit of
the Khadims.

J. DIGGES LAPOUCHE,
Settlement Officer, Ajmere.

No. 29. JAGIR ESTATES, AJMERE. (Separate Proposition Statement.)

PUSHKAR.

Class	Name of Jagirdars.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.
		Chaboe.	Talaboe.	Alee.	Barance.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
III.	Brahmans of Bari Basti in Pushkar	Khalasa	28	1	327	476	4,490	5,322		Rs. 31	The grant of this estate is in perpetuity, and lasts as long as there are Brahmans to enjoy it. Each Brahman shall retain the rights of which he is, or may become lawfully possessed. None are entitled to the designation of Jagit-dar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted. Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.
		Milik.	...	4	...	...	6	Not procurable.	Rs. 978	
		...	...	N.A.	...	...	...	
		Bham	...	...	...	...	...
					
	TOTAL	28	3	331	476	4,490	5,328				

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

JAGIR ESTATES, AJMERE. (*Separate Proposition Statement.*)

No. 30.

NAIDLA.

Class.	Name of Jagirdar.	AREA AND NATURE OF LAND.					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's assessment as on Khalsa.	Cesses at 3.20 per cent.	Tenure and conditions of the grant.		
		Chaboe.	Talaboe.	Abooe.	Barancee.	Uncultivated.	Total.	Excluding cesses.				Including cesses.	
III. Brahmans of Chhoti Basti in Puhkar.	{	Khalasa.	...	8	129	124	816	1,077	537	591	497	16	<p>The grant of this estate is in perpetuity, and lasts as long as there are Brahmans to enjoy it. Each Brahman shall retain the rights of which he is or may become lawfully possessed. None are re-entitled to the designation of Jagir-ar. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers.</p> <p>Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted.</p> <p>Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.</p>
		Milik.	...	...	6	7	...	13	.	.	.	.
		Bhum.	...	...	4	1	...	5	.	.	.	.
		
		
TOTAL		...	8	139	132	816	1,095						

J. DIGGES LATOUCHE,
J. Settlement Officer, Ajmere.

The grant of this estate is in perpetuity, and lasts as long as there are Brahmans to enjoy it. Each Brahman shall retain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagir. Succession shall be regulated by the rules customary in the family of each sharer, and in case of failure of heirs, the share shall lapse to the general body of sharers.

Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted.

Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.

J. DIGGES LATOUCHE,
Settlement Officer, Ajmere.

No. 421, dated Abu, 29th June 1875.

From—THE OFFICIATING CHIEF COMMISSIONER OF AJMERE.

To—THE COMMISSIONER OF AJMERE.

SIR,

With reference to your letter No. 574, dated 2nd March 1875, regarding the *Jagir* Tenures of Ajmere, I have the honor to forward for report copy of a letter No. 126R, dated 11th instant, from the Under Secretary to the Government of India, in the Foreign Department, on the subject.

2. The best way of answering the question as to the meaning of the words cited will be to consult the *Jagirdars* themselves, and to frame in precise language the rule of succession desired by them and recommended by you for adoption. It should also be mentioned whether any custom or law of succession exists in Rajputana as a precedent on which this rule would be based.

3. With regard to para 2, I shall be obliged by your suggesting some term already used in the nomenclature of land tenures in India, which may be substituted for "Corporation," and by your mentioning the Vernacular equivalent.

No. 126R, dated 11th June 1879.

From—THE UNDER SECRETARY TO THE GOVERNMENT OF INDIA IN THE
FOREIGN DEPARTMENT.

To—THE OFFICIATING CHIEF COMMISSIONER OF AJMERE.

SM,

With reference to your letter No. 227, dated 19th April 1875, regarding the *Jagir* Tenures of Ajmere, I am directed by the Viceroy and Governor-General in Council to request that you will explain precisely what is meant by the expression "descend to the nearest by kindred or by adoption" used in Class II A and II B of the separate proposition statements.

Land and Revenue.]

2. His Excellency in Council observes that the term "Corporation" as applied to the 3rd Class of *Jagirs* will be likely to mislead, and I am to enquire whether a more appropriate designation cannot be suggested for this Class of *Jagirdars*.

No. 2236, dated Ajmere, the 12th July 1875.

From—THE COMMISSIONER, AJMERE

To—THE CHIEF COMMISSIONER, AJMERE-MERWARA.

Sir,

In reply to your No. 421, dated 11th June 1875, forwarding copy of a letter No. 126R, dated 11th June 1875, from the Under Secretary to the Government of India in the Foreign Department, regarding *Jagir* Tenures of Ajmere, and calling upon me to explain the meaning of the expression "descend to the nearest by kindred or by adoption" used in Classes II A and II B, of the separate proposition statements, and of the word "Corporation" as applied to the 3rd Class of *Jagirs*, I have the honor to forward copy of Officiating Deputy Commissioner's No. 855, dated 7th instant, and to inform you that I agree with the Officiating Deputy Commissioner that the object was to make the land descend in block to one person, so as to prevent in future any minute sub-division

2. I would also recommend the Native term *Jamdat* being added in brackets, or substituted for the word "Corporation" if there is any chance of its being misunderstood.

No. 855, dated Ajmere, the 7th July 1875.

From—THE OFFICIATING DEPUTY COMMISSIONER, AJMERE.

To—THE COMMISSIONER, AJMERE-MERWARA.

Sir,

With reference to your No. 2112, dated 1st July, on the subject of the *Jagir* proposition statements (Classes II A and II B), I have the honor to report that the *Jagirdars* were consulted on the subject when the Committee on *Jagir* Estates was held. What they wish for is, that the estate shall descend in block to one person, and shall not be liable to be subdivided among heirs

[Land and Revenue.]

The mode of devolution which they desire is that which exists in the *Istimrar* Estates of Ajmere and throughout Rajputana, viz, that the eldest son succeeds to the exclusion of his younger brothers, who are only entitled to maintenance. It is in short the system of primogeniture which exists in all fiefs.

2. I was myself hardly satisfied with the name "Corporation" as applied to the *Khadims* and *Brahmins*. The word "aggregations" more nearly expresses the meaning, and does not suggest the idea of a Head which the word Corporation does. Communities might be employed, but its connotation also is inaccurate. The vernacular equivalent would be *Jamdat*.

No. 133, dated Camp Ajmere, 10th March 1876.

From—THE OFFICIATING CHIEF COMMISSIONER, AJMERE-MERWARA.

To—THE COMMISSIONER, AJMERE-MERWARA

SIR,

With reference to previous correspondence ending with your letter No. 2236, dated 12th July 1875, on the subject of the enquiry which has been made into the *Jagir* Tenures of Ajmere, I am directed to forward three printed copies of the revised proposition statements as sanctioned and confirmed by His Excellency the Viceroy and Governor-General in Council.

Land and Revenue.]

HOKRAN KISHNPURA.

No. 2

Name of Jagirdars, or institution endowed.	Area and Nature of Land.					Average Rent Roll for 10 Years		Settlement Officer's Assessment as on Khalsa.	Cesses at 2 1/2 per cent.	Tenure and conditions of the grant.
	Chaboe.	Talaboe.	Abooe.	Baranoe.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.		
Dewan for the time being, of Dargah Khwa. Muten- uddin Chist.	Khalsa.	6	221	531	5,013	6,119	2,908	3,674	Rs. 2,191	Rs. 69
	278									
	Mulk.	12	14	4	2	40				
	Bhum.	87	...	40	92	225				
Total	377	20	299	531	5,107	6,354				

The two villages Hokran and Kishnpura form one estate, which held by the Dewan of the Dargah, in lieu of the perquisites attached to his office. The estate is indivisible, and no part of it is transferable by sale or mortgage. The Dewan for the time being, is entitled to enjoy the revenue, and as the villages form part of the endowment of the Dargah, the grant will last as long as the Dargah exists, and the objects of the endowment are fulfilled.

DANTRA.

No. 3

Name of Jagirdars, or institution endowed.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalas.	Cesses at 3.00 per cent.	Tenure and conditions of the grant.
	Chabab.	Talabab.	Abab.	Baranab.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
Mutwalli, for the time being of Dargah Khwaja Mun-ul-din Christi.	Khalas.	726	1,733	2,459	3,289	3,511	Rs.	This estate is held by the Mutwalli of the Dargah, in lieu of the per- quisites attached to his office. It is indivisible and no part of it is transferable by sale or mortgage. The Mutwalli for the time being, is entitled to enjoy the revenue, and as the village forms part of the endowment of the Dargah, the grant will last as long as the Dar- gah exists and the objects of the endowment are fulfilled.
	513	...	...	...	...	2,972	...	...	Rs.
	Mulk.	...	...	10	2	67	...	...	Rs.
	55	...	...	...	...	...	...	...	Rs.
	Bhum.	...	...	214	23	451	...	...	Rs.
TOTAL	781	950	1,758	3,190	

No. 6.

BHAWANI KHERA

Name of Jagirlars or institution endowed.	AREA AND NATURE OF LAND					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Ceases at 2-10 per cent	Tenure and conditions of the grant.
	Classed	Taluk	Absc.	Barane.	Uncult. vald.	Total	Excluding ceases.	Including ceases		
Temple of Jagirdars dwars in Meywar.	Khalsa.	..	84	600	778	1,706	Rs 1,372	Rs 1,429	Rs. 2,035	Rs. 64
	325	..	..	..	..	..	..	..	..	..
	M.lik.	..	..	17	1	37	..	..	..	..
	19	..	..	..	..	..	..	..	..	..
	Bhum.Nil.	..	..	..	..	..	..	..	..	..
TOTAL	311	..	84	620	779	1,833	..	..	..	..

The grant of this estate lasts as long as the temple of Nathdwara exists, and the objects of the endowment are fulfilled. No part of the estate is transferable by sale or mortgage. It is the duty of the Manager to provide that the assets are expended for the purposes of the institution. The Manager has no power to alienate the revenue-paying land of the estate on revenue free-tenure. The grant is made to the temple itself, and the Manager is a trustee for carrying out the purposes of the institution.

BHAGWANPURA LALIKHERA.

No. 7.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 25 per cent.	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abee.	Daranee.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.			
									Ra.	Ra.	
Chatri Surji Rao.	Khalsa.									Ra.	
	209	..	93	767	2,573	3,702	2,742	2,064	1,911	57	
	Milik.		9	62	76	203					
	56	..									
	Bhum.		6	139	208	559					
	110	..									
TOTAL	441	...	103	968	2,917	4,464					

The grant of this estate lasts as long as the tomb exists, and the objects of the endowment are fulfilled. No part of the estate is transferable by sale or mortgage. It is the duty of the Manager to provide that the assets are expended on the necessary expenses of the tomb, and in almsgiving. The Manager has no power to alienate the revenue paying land of this estate on revenue-free tenure. The grant is made to the tomb itself, and the Manager is a trustee for carrying out the purposes of the institution.

RAJGURH.

No. 9.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.20 per cent.	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abee.	Baranee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.			
Raja Devi Singh, Gov of Rajgurh.	Khalsa.						Rs.	Rs.	Rs.		The estate is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block, according to the customary law of succession applic- able, to the nearest male heir by blood or adoption. In the event of dispute or of the extinction of all title to succeed, Government shall determine the succession by execu- tive order. The Jagiridar shall have power only to mortgage for his own lifetime, except by consent of Government. The younger sons of the Jagiridar are entitled to receive maintenance under the same rules as the younger sons of an Istimrarlar.
	451	90	414	899	6,012	8,766		3,673	3,910	02	
	Mulk.										
	58	...	37	136	30	261					
	Bhum.		Nil								
TOTAL ...	509	90	451	1,035	6,942	9,027					

Land and Revenue.]

KOTHAJ

No. 10

Name of Jagirdars or Institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT-HOLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cent at 20 per cent	Tenure and conditions of the grant.
	Chabua.	Talabua.	Abua.	Barandua.	Uncultivated.	Total.	Excluding cesses	Including cesses			
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			
Raja Devi Singh, Gor of Rajgarh, Jagirdar, and Bherm Singh, Mohan Singh ...	5	...	8	355	544	912	601	614	149	5	<p>The share now held by Raja Devi Singh herein termed "the Jagirdar" is not transferable by sale, and shall not be subdivided by any law of inheritance, but shall descend in block, to the nearest male heir by blood or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own life-time only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrardar.</p> <p>The shares of Bherm Singh and Mohan Singh are not transferable by sale. In case of failure of heirs their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life: to each other or to the Jagirdar, mortgages are allowed without limit.</p>
...	
...	
...	
Total ...	11	...	8	437	551	1,007					

No. 12.

Name of Jagirdars or Institution endowed.	AREA AND NATURE OF LAND						AVERAGE RENT ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
	Chabl.	Talab.	Abi.	Baran.	Uncult. vali.	Total.	Including cesses	Excluding cesses			
{ Nawab Abdul Kurim Khan.	Kha. ka.										The estate is not transfer- able by sale, and shall not be sub- divided by any law of inheritance ; but shall descend in block according to the customary law of succession applicable to the nearest male heir by blood or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by execu- tive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Gov- ernment. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrar- dar
	795	500	324	2,832	8,451	12,902	8,334	9,218	6,986	106	
	Mulk.										
	10	16	0	50	1	87					
	Dham.										
	78	3	5	211	625	952					
TOTAL	883	510	335	3,196	9,077	13,937					

The estate consists of the following villages: (1) Boraj Kazipura, (2) Sitawaran, (3) Sidaria, (4) Karpura. In the area above given are included half the areas of the six hamlets into which the old village of Durathu has been now divided, and from each of which the Jagirdar receives half the net Government revenue, viz:—Durathu, Motipura, Jagpura, Ratakthera, Dhola Danta, Chat.

The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest male heir by blood or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istikhar-dar

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 10 per cent.	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abee.	Daranee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
Raja Batwant Singh, Jagirdar, and Sawant Singh, Gulab Singh, Bakhtawar Singh, Aman Singh	Khalisa.	...	...	9,553	2,816	7,029	3,515	3,794	Ra.	The share now held by Raja Batwant Singh, herein termed "the Jagirdar," is not transferable by sale, and shall not be sub-divided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest male heir by blood or adoption. In the event of disputes or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimraridar.
	630	...	...	...	...	...	...	...	Ra.	
	Mihk.	...	...	637	242	1,070	...	...	3,964	124
	191	...	...	...	...	...	...	...	...
TOTAL	130	...	...	431	45	606	...	...	...
	951	...	...	4,021	3,133	8,705	...	...	...	The shares of Sawant Singh, Gulab Singh, Bakhtawar Singh, Aman Singh and Aman Singh, are not transferable by sale. In case of failure of heirs, their shares shall lapse to the Jagirdar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life: to each other or to the Jagirdar, mortgages are allowed without limit.

Land and Revenue.]

DUDIANA.

No 14.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE REV. ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa.	Cesses at 30 per cent.	Tenure and conditions of the grant.
	Chaboe.	Talaboe.	Abec.	Barren.	Uncultiva- ted.	Total.	Excluding cesses.	Including cesses.			
Meer Inayat-Ullah Shah	Khalsa.	...	...	539	1,134	2,255	Rs. 1,995	Rs. 2,255	Rs. 2,100	Rs. 68	The estate is not transfer- able by sale, and shall not be sub- divided by any law of inheritance; but shall descend in block accord- ing to the customary law of succession applicable to the near- est male heir by blood or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own life- time, except by consent of Gov- ernment. The younger sons of the Jagirdar are entitled to re- ceive maintenance under the same rules as the younger sons of an Latimardar.
	583	...	...	...	...	26	...	...	...	...
	Mulk.	...	...	3	16	...	...	...	...	...
	7	...	...	...	...	1	45	...	...	...
TOTAL	Dhurm.	...	...	...	...	...	...	...	...	...
	44	...	...	...	...	...	...	...	...	...
	636	...	...	542	1,161	2,327	...	...	...	...
						57.					

The estate is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to the nearest male heir by blood or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an latimrardar.

[Land and Revenue.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Ceases at per cent.	Tenure and conditions of the grant.				
	Chabee.	Talabee.	Abee.	Barance.	Unculti- vated.	Total.	Excluding ceases.	Including ceases.							
Meer Inayat-Ullah Shah, Jagirdar, and Meer Nizam Ali, Surfaraz Ali.	Khalsa.	160	29	57	220	1,021	1,547	Rs.	837	1,042	Rs.	805	25	The share now held by Meer Inayat-ullah Shah, heret- ermed "the Jagirdar," is not trans- ferable by sale, and shall not be sub- divided by any law of inheritance ; but shall descend in block, according to the customary law of succession applicable, to the nearest male heir by blood or adoption. In the event of disputes or of the ex- tinction of all title to succeed, Gov- ernment shall determine the succe- sion by executive order. The Jagir- dar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimardar. The shares of Meer Nizam Ali and of Surfaraz Ali are not transferable by sale. In case of failure of heirs their shares shall lapse to the Jagir- dar or his successors. They and their successors may mortgage to a stranger, but only for the term of the mortgagor's life. To each other or to the Jagirdar, mortgages are allowed without limit.	
	Milk.	22	...	...	10	...	32								
	Bhum.	18	...	...	38	5	61								
	TOTAL	...	200	29	57	268	1,026	1,640							

ARJANPURA.

No. 17.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalisa.	Cesses at 1920 per cent.	Tenure and conditions of the grant.
	Chaboe.	Talabee.	Abees.	Baranee.	Uncultivated.	Total.	Including cesses.				
							Excluding cesses.	Including cesses.			
Gulab Singh Gor.	Khalisa										The land now held by Gulab Singh herein termed "the Jagirdar" is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block, according to the customary law of succession applicable, to the nearest male heir by blood or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istimrarlar. The 15 persons who hold land as an equivalent of their maintenance are not sharers in the estate. They cannot sell or mortgage their lands for any term beyond their own lives, except to the Jagirdar, who will succeed on failure of heirs. Succession of this land shall be regulated by the rule of the family of the persons in possession
	127	33	111	573	900	1,744	572	632	901	28	
	Mh										
	6	--	4	26	1	37					
	Dharm Nal										
TOTAL ...	133	33	115	599	901	1,781					

The land now held by Gulab Singh herein termed "the Jagirdar" is not transferable by sale, and shall not be subdivided by any law of inheritance; but shall descend in block, according to the customary law of succession applicable, to the nearest male heir by blood or adoption. In the event of disputes, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage for his own lifetime only, except by consent of Government. The younger lineal descendants of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an istimrarlar.

The 15 persons who hold land as an equivalent of their maintenance are not sharers in the estate. They cannot sell or mortgage their lands for any term beyond their own lives, except to the Jagirdar, who will succeed on failure of heirs. Succession of this land shall be regulated by the rule of the family of the persons in possession.

MANGLEAWAS.

No. 18.

Name of Jagirdar or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 3-2-0 per cent.	Tenure and conditions of the grant.
	Chabce.	Talabce.	Abce.	Barandce.	Uncult. valcd.	Total.	Excluding cesses.	Including cesses.			
Saligram Jctahi	Khalsa.								Ra.	Ra.	The estate is not transferable by sale, and shall not be subdivided by any law of inheritance ; but shall descend in block according to the cus- tomary law of succession applicable, to the nearest male heir by blood or adoption. In the event of dispute, or of the extinction of all title to succeed, Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own lifetime, except by consent of Government. The younger sons of the Jagirdar are entitled to receive maintenance under the same rules as the younger sons of an Istamratar.
	301	8	8	648	1,467	2,432	2,024	2,209	1,736	54	
	Malik.				...	12					
	12	...	...	...	...		
Saligram Jctahi	Dharm.				15	21	53				
	17	...	...	...	...		
Total ...	330	8	8	663	1,488	2,497					

CHAWANDA.

No. 19.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 10 per cent.	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abbee.	Darabee.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.			
Gokulpur Gosain	Khalsa.	36	123	275	708	1,328	Ra. 1,336	Ra. 1,553	Ra. 1,310	Ra. 41	The estate is not transferable by sale, and shall not be sub- divided by any law of inheritance; but shall descend in block according to the customary law of succession applicable to this Gosain. In the event of dispute Government shall determine the succession by executive order. The Jagirdar shall have power to mortgage only for his own life- time, except by consent of Govern- ment.
	Mulk.	..	4	..	3	13					
	Bhum.	2	..	5	3	52					
	42	2	..	5	3	52					
Total ..	228	38	127	280	720	1,393					

Land and Revenue.]

HALF OF AKHRI.

No. 20.

Name of Jagirdars or institution in whose	AREA AND NATURE OF LAND					AVERAGE RENT ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalas.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.
	Chabab	Talabab	Abae	Barance.	Uncult. Talab.	Total				
						Excluding cesses.	Including cesses.			
Shoruf ud din, Amroo Bibi, Sarfaraz Ali, Asad Ali, Nurul Husan, Alam Ali, Ashraf Ali, Nizam Ali, Vakil, Karim Ali, Saif-ud din, Wazeer Ali, Ihsan Ali, Kasim Ali, Khadim Hussain, Imam Ali, Hakeem Ali, Meer Inayat- ud lah Shah.	Khalas.	50	30	64	235	171	559	Rs. 765	Rs. 429	The grant consists of half the net revenue of Akhri. None of the shareers are entitled to the designa- tion of Jagirdar. Each shall enjoy the share of the revenue of which he is or may become lawfully posses- sed. Succession shall be regulated by the rules customary in the family of each sharer. Any sharer may mortgage his share for the term of his own life to a stran- ger, but may not sell or make gifts to a stranger. Among the shareers themselves, sales, mortgages, and gifts are unrestricted.
TOTAL ...	53	30	64	260	171	580				

The area shown in this statement is half the area of the village, but there is no land which is really Jagir. The Jagirdars receive from the Treasury half the net Government revenue, a sum equivalent according to the present assessment to Rs. 429, and they have no concern with the management of the village.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS		Settlement Officer's Assessment as on Khalsa	Cesses at 2.50 per cent	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abec.	Baranee.	Uncultivated.	Total.	Excluding cesses.	Including cesses.		
Ameer Ali, son of Khosaj, Bukhsh.	79	52	10	577	2,202	2,920	927	1,120	Rs. 704	Rs. 22
Ameer Ali, Sharf ud din, son of Meer Hafiz Ali, Rahim unisa, Ireshad Ali, Ghulam Ahmed.	...	...	...	17	14	31				
Abu Bakr, Zarnai Bibi, Mewa Bibi, Husain Bukhsh.	15	5	13	79	32	145				
—										
Six Mahajana.										
TOTAL ...	94	58	23	673	2,248	3,096				

None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer. Any shareholder may mortgage his share for the term of his life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.

The share held by the six Mahajana who had no right to purchase should be assessed, and the revenue credited to the Government.

Land and Revenue.]

No. 22.

GANAHERA.

Name of Jagirdars or Institution endowed.	AREA AND NATURE OF LAND					AVERAGE REPT HOLD FOR 10 YEARS		Settlement Collector's Assessment as on Khalsa.	Cases at 2.20 per cent.	Tenure and conditions of the grant.
	Chakre.	Taluk.	Alee.	Barance.	Locality.	Total.	Excluding cesses.	Including cesses.		
Manji Beg, Saadul Bibi, Kazi Munir ul din, Ghayas u Din Shah Hussain, Asaf Ali, Ghaffar Ali, Nal mat Ali, Abdul Halim Munawar Bibi, Hus sein Ali, Najaf Hus sein, Waqar Begum Mirat Ali, Asaf Ali Surfaraz Ali, Alimun nisa, Jafar Ali, Chah ri Begum, Asraf Ali Razmusia, Alam Ali Nur ul Haq, Shaf unissa, Mohammed Hussain, Ahmed Hus sein, Najeemunnisa Bibi ul din, Ghulam Hussain.	132 Milibk 19 16, num. 2	55 Milibk . . 8	229 3 3 17	172 3 25	1,620 . 25	2,199 25 71	Not procurable	1,511	48	None of the sharras are en- titled to the designation of Jagirdar. Each shall hold the share of which he is or may become lawfully poss- essed. Succession shall be regula- ted by the rules customary in the family of each sharer. Any shareholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharras themselves, sales, mortgages, and gifts are unrestricted.
Total ..	151	63	276	198	1,615	2,295				

MORAJHARI.

No. 23.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND.						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalisa.	Cesses at 20 per cent.	Tenure and conditions of the grant.
	Chabee.	Talabee.	Abee.	Barande.	Uncultivated.	Total.	Excluding cesses.	Including cesses.			
Meer Hafiz Ali, Wazier Ali, Hasan Ali, Musharif Bibi, Mahommed Hussain, Ameer Ali, Faiz Mahommed.	283	42	17	667	1,372	2,391	Rs 2,188	Rs. 2,337	Rs. 1,534	Rs 48	None of the sharers are entitled to the designation of Jagirdar. Each shall hold the share of which he is, or may become lawfully possessed. Succession shall be regulated by the rules customary in the family of each sharer. Any sharerholder may mortgage his share for the term of his own life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.
TOTAL	350	46	17	779	1,435	2,627					

HATHIKHERA.

No. 25.

Name of Jagirdars or institution employed.	AREA AND NATURE OF LAND.					AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 10 per cent.	Tenure and conditions of the grant.					
	Chabee.	Talabee.	Abee.	Baranee.	Uncult. valued.	Total.	Excluding cesses.				Including cesses.				
Nizam Ali Vakil, Karim Ata, Ihsan Ali, Sadr ul din, Kasim Ali, Jowad Ali, Imam Ali, Haidar Ali, Meer Inayat ul-lah Shah	99	...	3	305	2,021	2,428	Rs.	719	Rs.	992	Rs.	554	17	None of the sharers are entitled to the designation of Jagir- dar. Each shall hold the share of which he is or may become lawfully possessed. Succession shall be re- gulated by the rules customary in the family of each sharer. Any shareholder may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the sharers themselves, sales, mortgages, and gifts are unrestricted.	
	13	...	...	17	11	41									
									
TOTAL ...	112	...	3	322	2,032	2,469									

Land and Revenue.]

BEER

No. 26.

Name of Jagtclan or institution entitled	Area and Nature of Land						Assessment held for 10 years.		Settlement Officer's Assessment as on Khadim.	Cents at 2-10 Per cent.	Tenure and conditions of the grant.
	Chabot.	Taluk.	Alia.	Barra.	Total.		Excluding cesses.	Including cesses.			
Khadim of the Dargah of Khaw la Mulla ul Talat	672	3	119	1,063	2,871	4,290		Rs.	Rs.		The grant of this estate has as long as there are Khadims of the Dargah to enjoy it, and so long as there is no necessity to interfere in consequence of the indisposition of the income. Each Khadim shall retain the rights of which he is or may be lawfully possessed. None are entitled to the designation of Jagtclan. Succession shall be regulated by the rules cus- tomary in the family of each share. Any share may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Kha- dins themselves, sales, mortgage, and gifts are unrestricted. Land which has already been alle- nated by sale or by a mortgage, ex- tending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadim for application for the general benefit of the Khadim.
								Rs.	3,003	97	
Total ...	672	3	119	1,063	2,871	4,290					

GHEGAL.

No. 27.

Name of Jagirdars or institution endowed.	AREA AND NATURE OF LAND						AVERAGE RENT-ROLL FOR 10 YEARS.		Settlement Officer's Assessment as on Khalsa.	Cesses at 2.0 per cent.	Tenure and conditions of the grant.	
	Chabee.	Talahee.	Abee.	Baranee.	Unculti- vated.	Total.	Excluding cesses.	Including cesses.				
Khadims of the Durgah of Khwa- ja Mulla ud din Christi.	Khalsa.	...	..	937	857	1,974	Rs 1,786	Rs 2,056	Rs. 1,412	Rs. 44	The grant of this estate lasts as long as there are Khadims of the Durgah to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income. Each Khadim shall re- tain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagir- dar. Succession shall be regulated by the rules customary in the family of each sharer. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Kha- dims themselves, sales, mortgages, and gifts are unrestricted. Land which has already been alie- nated by sale or by a mortgage ex- tending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsi- ble representative of the Khadims for application for the general benefit of the Khadims.
	180	...	..	..	..	..	..	..	..	..
	Mulik.	80	98	234
	26
Total	214	..	..	1,071	966	2,281	..	..	..	..

The grant of this estate lasts as long as there are Khadims of the Durgah to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income. Each Khadim shall retain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagir-dar. Succession shall be regulated by the rules customary in the family of each sharer.

Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales, mortgages, and gifts are unrestricted.

Land which has already been alienated by sale or by a mortgage extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims.

Land and Revenue.]

No. 28.

BAEENJA.

Name of Jagirdars or Institution endowed.	Area and Nature of Land.						Average Rent Paid for 10 Years		Settlement Offered as on Khadim.	Cesses at 1.20 Per cent.	Tenure and conditions of the grant.					
	Chakree	Talabree	Alee.	Baranee.	Uncultivated	Total.	Excluding cesses	Including cesses								
Khadims of the Purghah of Khwaja Mun and Chind	Khadim	73	47	152	1,037	1,480	3,259	Rs.	420	Rs.	603	Rs.	1,000	Rs.	31	The grant of this estate lasts as long as there are Khadims of the Durghah to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income. Each Khadim shall retain the rights of which he is, or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales, mortgages, and gifts are unrestricted. Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims.
	Milik Nil	...	..	..	..	..	..	..	..	..	..	..	..
	Bham	42	1	39	50	7	110									
Total ...		116	48	101	1,097	1,987	3,429									

The grant of this estate lasts as long as there are Khadims of the Durgh to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income. Each Khadim shall retain the rights of which he is, or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer.

Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Khadims themselves, sales, mortgages, and gifts are unrestricted.

Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Khadims for application for the general benefit of the Khadims.

PUSHKAR

No. 29.

Name of Jagirdars, or Institution endowed.	AREA AND NATURE OF LAND					AVERAGE RENT ROLL FOR 10 YEARS.		Settlement Officer's assessment as on khalas.	Cesses at 20 per cent.	Tenure and conditions of the grant.
	Chabab.	Talabae.	Abes	Barandee	Uncultivated	Total.	Excluding cesses	Including cesses.		
Brahmans of Dym Basti in Pushkar	Khalas.								Rs.	The grant of this estate lasts as long as there are Brahmans to enjoy it, and as long as the services for which it was granted are performed. Each Brahman shall retain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer. Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted. Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor, shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.
	28	1	327	478	4,490	5,322			978	
	Mihk.								31	
	...	2	4			6	Not procurable.			
	Bhum		Nil.							
TOTAL	28	3	331	476	4,490	5,328				

Land and Revenue.]

NAIDLA.

No. 30.

Name of Jagirdars, or institutions established.	AREA AND NATURE OF LAND						AVERAGE PLANT ROLL FOR 10 YEARS		Settlement Officer's assessment as on khales	Cesses at 2 to per cent.	Tenure and conditions of the grant.
	Chakres.	Taluk.	Alue.	Baranue.	Timber land.	Total	Excluding cesses.	Including cesses.			
Jagirdars of Chhoti Rotti in Poshkar.	Khalas	8	120	124	416	1,677	587	594	Rs. 497	Rs. 16	<p>The grant of this estate lasts as long as there are Brahmans to enjoy it, and so long as there is no necessity to interfere in consequence of the misappropriation of the income. Each Brahman shall retain the rights of which he is or may become lawfully possessed. None are entitled to the designation of Jagirdar. Succession shall be regulated by the rules customary in the family of each sharer.</p> <p>Any sharer may mortgage his share for the term of his natural life to a stranger, but may not sell or make gifts to a stranger. Among the Brahmans themselves, sales, mortgages, and gifts are unrestricted.</p> <p>Land which has already been alienated by sale or by a mortgage, extending beyond the lifetime of the mortgagor shall be assessed, and the revenue made over to some responsible representative of the Brahmans for application for the general benefit of the Brahmans.</p>
	Mul		6	7		13					
	Bham		4	1		5					
Total	..	8	129	172	416	1,695					

BHOOM HOLDINGS AND RURAL POLICE.

Dated Ajmere, August 1873.

To—L. S. SAUNDERS, Esq, Commissioner, Ajmere.

SIR,

We, the Committee appointed under your No 309, dated 27th January 1873, have the honor to submit our report on the Bhoom holdings and Rural Police of Ajmere.

2. Before, however, entering into the details of the Bhoom holdings of the District we desire to record our opinion as to the nature of Bhoom in general, for we believe that the tenure is like that of the Talookdars, part and parcel of the land system of Rajputana, and that to consider it apart from that system or to allow one's mind to be influenced by the totally misleading analogy of village watchmen in other parts of India, is a method certain to lead to an unsatisfactory conclusion.

3. The Ajmere Bhoomia must not be confounded with the Chowkidar of the Bengal Presidency, a low caste village servant armed with a lathee or a spear. The Bhoomia is the great man in the village, and is looked up to with awe and respect by the village community. He lives usually in an old fort, and always in the best house in the village. He is a soldier Rajpoot, carries his sword, and if he can afford it keeps a horse or two. Only when reduced to poverty from having too many mouths to feed does he condescend to touch a plough. The Patel presents a rupee, the Bhoomia presents the hilt of his sword to the District Officer. The Bhoomia may intermarry with Jeypur, Meywar and Marwar Thakurs on terms of equality. His gentility of blood is admitted even though his condition be poor.

4. Etymologically the term Bhoomia is derived directly from "Bhoom" land, and is the equivalent of the much-abused Persian word "Zamindar," but unlike the latter term, the name in Rajputana, seems never to have been perverted from its original meaning, which Colonel Tod translates by the words "allodial proprietor." In his sketch of the feudal system of Rajasthan, Vol. I, pp. 168 *et seq.*, Colonel Tod thus describes the Bhoomias: They are a body of armed husbandmen, a feudal militia, paying a quit-rent to the crown (though generally they deny this obligation) and liable to be called out either for local service or on an invasion, in either of which cases the prince is bound to furnish rations. So cherished is this tenure of Bhoom that the greatest chiefs are always solicitous to obtain it even in the villages

Land and Revenue.]

entirely subject to their authority. Bhoom is the only tenure which is not deemed resumable by the Crown, and is hereditary in the fullest sense of the word, though more divisible among children in some places than in others. Colonel Tod proceeds to draw a comparison between the right of "Rekwallee" and the rights known as Salvamenta in the feudal system of Europe. The great object of the lord was to get Bhoom, and Bhoom thus obtained is irrevocable. To become Bhoom, however, it must apparently be sanctioned by the prince, for we find the Rana of Meywar stepping in on one occasion to remedy abuses which had grown up during the times of rapine and anarchy at the end of last century and the beginning of the present one.

This last-mentioned kind of Bhoom is the conditional Bhoom of Ajmere.

5. Colonel Brooke in his No. 205, dated 19th August 1871, enumerates five kinds of Bhoom. First: Bhoom received for "Mundkati." Secondly: Bhoom granted to quell a feud. Thirdly: Bhoom granted by the Raj for services in the field or even for favor. Fourthly: Bhoom granted by the Raj for protection of a border. Fifthly: Bhoom granted by villages for protection or watch and ward of their village. Of the first and second kinds, we observe that there are no examples in this District, and with regard to the fifth class Colonel Brooke remarks that to constitute such grants Bhoom at all it is necessary that they be confirmed by the Raj. When they have been so confirmed we see no good reason for treating the fifth class differently from the fourth. Bhoom, we consider to be land in which the State has abandoned its right to revenue, and the owner his right of ownership in favour of one and the same person the Bhoomia, and that whether the State grants lands of its own in Bhoom, or abandons its right to revenue on land belonging to other persons who have given up their right of ownership, the position of the Bhoomia is exactly the same. There are only two authenticated instances of the third class of Bhoom, and all Bhoom holdings in this District, whatever their origin, are now subject to the same responsibility and pecuniary liability. We propose, therefore, to treat all holdings which fall under our definition of Bhoom in precisely the same manner.

6. In the year 1829, Mr R. Cavendish, Superintendent of Ajmere, caused a laborious investigation to be made into the Bhoom holdings of the District. He recorded the evidence of the Bhoomias and Patels, as well as the statements of the Canoongos as to the incidents of the tenure in each village. All land pointed out by the Bhoomias as held in Bhoom was measured, and the result of the inquiry carefully abstracted; the inquiry,

however, was made almost exclusively with a view to the augmentation of the Government demand, and no orders were passed on any of the questions connected with the tenure which then rose for solution. The statements of the Canoongos are abstracted in the vernacular records, and are to the effect that the Bhoomias are responsible for the protection of the village boundary from Mairs and Dacoits, are bound to guard the village cattle when grazing, and on requisition from the Soobah to attend for 10 or 15 days, receiving rations. The property was stated to be a hereditary one: the Soobahdar was entitled to levy fines on default or negligence. The custom of pecuniary indemnification for the value of stolen property was, they stated, no part of the original tenure, but had grown up during the Mahratta rule, and after it, when the practice began to obtain that the State should compensate losses and the State transferred its liability to the Bhoomia. The Canoongos further stated that only Rajpoots and Pathans could become Bhoomias.

7. Whatever may have been the duties and liabilities of Bhoomias at the commencement of our rule and before it, all Bhoomias in the District are now subject to these obligations.

First.—To protect the property of travellers within the limits of the village of which they are Bhoomias from theft and robbery.

Secondly.—To protect the village of which they are Bhoomias from Dacoits.

Thirdly.—Pecuniarily to indemnify any sufferer from a crime which they ought to have prevented.

8. We are now prepared to give a definition of Bhoom and its incidents as existing in this District.

Firstly.—Bhoom is a hereditary property in which the sole proprietary right in the land is inseparably bound up with a revenue free tenure granted by the Ruling Power. In this Bhoom differs from a Muassfee or Jagir grant, in which Government has only granted its own rights as regards revenue.

Secondly.—Bhoom is resumable for offences against the State, and other offences for the punishment of which confiscation of immovable property is enacted.

Thirdly.—The resumption of Bhoom entails the loss of all proprietary as well as revenue-free rights, for these two have never been separated.

Land and Revenue.]

Fourthly.—For neglect or remissness in the performance of his duty the Bhoomia is liable to fine, and attachment of the Bhoom is allowable till the fine has been paid or recovered from the property. During attachment no responsibility attaches to the Bhoomia.

Fifthly—The property is liable to resumption if it be alienated without the consent of the State, and Government can settle the holding with whom it pleases.

In Mr. Cavendish's register Bhoom was recorded in 111 villages; of these however no Bhoom was found in five villages, Gola, Googra, Ghultee, Rusoolpoora and Nandla Jagir. The names were entered in the register, an account of the item of Bhoom bab which they had formerly paid. Besides these 33 bighas were measured as Bhoom of a Mair in Brigcheawas, which the Canoongos stated was not Bhoom, as it had never been sanctioned by the Soobah, and had been resumed by the zamindars when Chowkidars were appointed. 100 bighas were measured as Bhoom of a Mair in Rajgurh, which the Canoongo stated was not Bhoom. It had been given by Raja Ajeet Singh of Rajgurh, but had been resumed by Serajee Nana. Though ceasing to be Bhoom it had been continued by the zamindars as service land. The grant was finally resumed under the orders of Government conveyed in letter No. 2958, dated 6th August 1844, and no Bhoom now exists in either of these villages. Deducting, therefore, these seven villages, Bhoom has now been measured in 104 villages, 63 Khalsas, 37 Jagir and 4 Istimrar. Owing to the subdivision of villages, however, which took place under Colonel Dixon and Mr. Ridsdale, there is now Bhoom in 114 Mouzahs, separately recorded on the rent-roll.

10. In 7 villages there are two Bhoom holdings, viz., Rajpoora, Jethana, Jatlee, Baenja, Mugree, Dodeana, Beer. The total number of Bhoom holdings now in existence is therefore 111 and these are held as follows:—

	No. of Holdings.	No. of Villages.	
Rajpoots	Rahtor	82	78
	Gor	9	8
	Cuchwaha	6	5
	Sesodia	1	1
	Pathan	9	9
	Seyid	1	1
	<hr/>	<hr/>	
	108	102	
Mair	1	1	Kothaj.
Cheetah	1	1	Somulpoor.
Moghul	1	0	Beer.
	<hr/>	<hr/>	
	111	104	

[Land and Revenue.

11. Of these, however, we do not consider the three last named to be Bhoom, although they find a place in Mr. Cavendish's register, and for the following reasons—

1. The land in Kothaj was given by Raja Ajeet Singh, the Gor Raja of Rajgurrh, to the Patels of the newly founded village of Kothaj. There is a Sanad of Govind Rao, Soobahdar, sanctioning this as service land, but the land never paid Bhoom bab, and the holder himself recorded before Mr. Cavendish that the land was not Bhoom, but a Chowkidari grant.
2. The tenure of the land in Somulpoor has formed the subject of a dispute before the Settlement Officer. The holding is known not as Bhoom, but as "Pisao," a word the etymology of which is apparently unknown. This grant was made by the Dargah Meeran Sahib as a bribe to the Cheetahs to allow their grain to pass un plundered from Dorae to Taragurrh. The Cheetahs pay a fixed yearly rent of Rs. 64 to the Dargah. The Jagirdars do not allow the land to be Bhoom. The Canoongo stated in Mr. Cavendish's time that the land was not Bhoom, nor has it ever paid Bhoom bab.
3. The land held by the Moghuls in Beer is not allowed by the Jagirdars to be Bhoom. It is a grant of Jagirdar, never paid Bhoom bab, and was not admitted by the Canoongos in Mr. Cavendish's time. It was given apparently partly to secure the protection of the village, but chiefly to secure personal attention when the Khadims of the Dargah whose Jagir it is visited the village.

12. We do not propose to interfere further with these holdings than to erase them from the list of Bhoom tenures. They are all in Jagir villages, and are founded on grants by the Jagirdar, who is powerless to resume them. The right of ownership has been given away, and it is apprehended that the Civil Courts would not permit the right of property when once granted to be recalled as long as the grantee is willing to abide by the conditions of the grant. The holdings will be recorded as Service land, and the Jagirdar can enforce the conditions of the tenure. The tenure of these Mairs and

Land and Revenue.]

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	{ Pathan	9	9	
	{ Seyyid	1	1	Amba Mussena
		<hr/> 108	<hr/> 102	
	Mair	1	1	Kothaj.
	Cheetah	1	1	Somulpoor.
	Moghul	1	0	Beer.
		<hr/> 111	<hr/> 104	

[Land and Revenue.

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Land and Revenue.]

Cheetahs is in every respect identical with that of the hereditary Chowkidars of Pushkar, also Mairs, who have never been considered to be Bhoomias. There remain, therefore, 108 genuine Bhoom holdings.

13. The origin of the genuine Bhoom holdings is involved in great obscurity. In Mr. Cavendish's time, Sanads were forthcoming in only six villages, the Bhoomias stating that they had lost their title-deeds during the plundering and anarchy of the Mahrattas. One of these villages is *Kothaj* already referred to. For *Khwajpoora* there is a Sanad of Govind Rao, A.D. 1760, authorizing Jafar Khan to take the customary fees, and enjoining on him the necessity of arranging for the protection of the road from Ajmere to Rajasee. Jafar Khan, it adds, is responsible for losses on the road.

For *Arjunpoora*, there is a Sanad of Daulat Rao Sindia declaring that Dhan Singh and Bhawan Singh, Gers, Thakoors Bhoomias, had by custom been in possession of lands, wells and "Haqq dastur Bhoom;" adding that they possessed a Sanad of the "Maharaja Kalan," and forbidding all amils to interfere with them in any way

For *Burgaon* there is a Sanad of Mahajee Sindia, declaring that the zamindari of the village rests with Jafar Khan from ancient times, and enjoining the amils to continue all rights and privileges connected with the land as customary.

For *Kekri* there is a Sanad of Farrukhsir, dated 4th year of his reign, announcing to the Canoongos and Chowdhris of Perganah Kekri, that 1,000 bighas of land and a garden and a dwelling house, together with all proprietary cesses, has been granted to Raj Singh, son of Kishen Singh Rathor and forbidding as usual any interference.

For *Nand* there is a Sanad of Maharaja Abhey Singh to Hindoo Singh, Himmat Singh and Bakht Singh, declaring that the grantees distinguished themselves in Guzerat during the war with Sirbuland Khan, and that Kanwar Dale Singh was killed in battle. Accordingly 1,331 bighas are granted.

14. These are the only ancient documents in existence, and of them the Sanads produced by the Bhoomias of Arjunpoora, Khwajpoora, and Burgaon throw no light whatever on the original terms of the grant. The Sanad produced by the Nand Bhoomia is an original one, but in it there is no provision making the grant conditional, much less making it service-land. The

[Land and Revenue.

Kekree Sanad also reads like an ordinary grant of revenue free land, nor clearly would so powerful a chief as the Thakoor of Joonea, who is proud to call himself the Bhoomia of Kekree, ever have allowed his tenure to be called Bhoom, were it not the general belief that in permanence and dignity Bhoom surpassed an ordinary revenue free holding. The Thakoor of Joonea stated before Mr. Cavendish, that the whole kusbah of Kekree had been given in Jagir by Aurangzeb to Kishen Singh on account of distinguished service. He held for 20 years, when he was killed in battle and was succeeded by his son, Raj Singh. This man quarrelled with his brothers, and the Jagir was resumed, and so much land given as Bhoom. No Bhoom bab had ever been paid. The grantee was found to have been in possession of 2,500 bighas for a considerable period. He keeps up an establishment of Chowkidars, and is not considered responsible for pecuniary indemnification of losses.

15. In all other Bhoom holdings, the name of the grantor and the terms of the grant can only be filled in from the verbal statements of the Bhoomias. Even in Mr. Cavendish's time a third of them could not tell whether their holdings originated under the Moghul Emperors or under some other of the dynasties which held Ajmere, and the lapse of 44 years has not increased their knowledge. The following table shows succinctly their statements, as to the grantor :—

Name of grantor.	Holdings of Rahtors.	Holdings of Gors.	Holdings of Cuchwaha	Holdings of Pathans	Holdings of Sesodia	Holdings of Seyjid
Emperors	29	7	4	9	1	1
Maharaja Abhey Singh	3					
Maharaja Ajeet Singh...	1					
Gur Singh	2					
Sudool Singh Fuar ...	1					
Village communities ...	5					
Keari Singh of Rajgurbh		1				
Purchased	1					
Unknown	40	1	2	0	0	0
Total	82	9	6	9	1	1

Land and Revenue.]

Of the Rahtor Bhooms the history of Nand and Kekri has been already given. Three holdings, those of Kalesra, Nagelao, and Ramner Dhapi, are stated to have been given "iwaz naukari," all the rest for protection of the boundary and of the village. Of the Gor holdings, that of Danta is said to have been granted on a general condition of compliance with the commands of the Sovereign, that of Jhurwasa for maintenance of the grantee whose ancestors were killed in battle. The rest are stated to have been granted on condition of protecting the boundary, and this is the case in all the Pathan holdings, the Sesodia holding, the Seyyid holding, and all the Cuchwaha holdings, with the exception of Hurmara, which is stated to be held on the same tenure as Jhurwasa.

16 We do not propose to interfere in any way with the custom of

RAHTOR.	GOR.
Chandolae	Arjunpoora.
Sulapoor	Danta
Nadl.	Lavera.
Khyria (Khawaja Sahib)	Nearan
Khyria (Meeran Sahib)	
Beer	CUCHWAHA.
Bhuttianee.	
Morajharee.	Hurmara.
Kesurpoora	Tillornean
Kekree	
* Dhance.	Rampoor, (2)
Nagelao.	Makurwalee.
Tillora	Chacheawas.
Kishnpoora	Khoree.
Setawurean	

inheritance which prevails in each holding. The right of primogeniture is recognized in 16 holdings as given in the margin; in ten* holdings of the Rahtors the eldest son obtains a larger portion than his brethren. In Lohurwara and Bhugwanpoora of the Rahtors, and in Nandla and Jhurwasa of the Gors, the land has been distributed according to ability

to cultivate, but in these now, as in all the remaining holdings in the District, the rights in the property are regulated by ancestral shares.

17. For the present inquiry all the holdings have been measured with the exception of those situated in the four Istimrar villages, and those in Hurmara and Tillornean, where measurements have been stopped under the orders of the Administration. The result is shown in detail in the tabular statement which accompanies this report. The total area measured as Bhoom by Mr. Cavendish was bighas 61,031-13. The total area found in the possession of Bhoomias now is 50,125 bighas, 17 biswas. The area of the six holdings not measured may be taken as 6,000 bighas. In order to obtain the approximate value of the revenue of this land, Colonel Dixon's village rates were applied in the Khalsa villages, and Mr. Cavendish's rates were applied in the Jagir. The result gives a rental enjoyed by the Bhoomias of Rs. 31,786, or adding Rs. 5,000 for the six holdings not measured Rs. 36,786. There are in the 108 Bhoom holdings, 2,102 sharers. The average share of land is therefore Bs. 26-14, of revenue Bs. 17-7-11.

[Land and Revenue.

The following statement shows the distribution of the Bs. 50,125-17 between the Khalsa and Jagir villages:—

	Ch.	Tal.	Abee.	Baranee.	Culturable.	Barren.	Total.
Khalsa ...	6,232·7	720·8	594·9	15,231·6	9,330·	2,118·10	34,227·
Jagir ...	3,284·3	228·10	272·13	6,237·1	4,881·17	994·13	15,898·17
Total ...	9,516·10	948·18	867·2	21,468·7	14,211·17	3,113·3	50,125·17

18. On the cession of the District in 1818, the Bhoomias were found to be in the custom of paying Bhoom bab every second year. The amount paid immediately before the cession was taken as the standard, and fixed by Mr. Wilder, and amounted to Rs. 8,408-12-9. This amount continued to be collected every second year until Bhoom bab was abolished with Patel bab and Fouj Khurch in 1842.

From the evidence of the Canoongos recorded in Mr. Cavendish's time, it appears that Bhoom bab was first taken in the year 1752 by Maharaja Tukht Singh of Jodhpore. He only took the tax one year, and there is no record of how much he collected nor from how many Bhoom holdings. The custom of taking Bhoom bab regularly commenced under Sevajee Nana in 1792. The tax was not imposed on any principle other than the capability of the Bhoomia to pay, and fluctuated according to that capability. Sevajee Nana collected the impost once only during his ten years tenure of power. During the next nine years the tax was taken 3 times, and Tantia Sindia introduced the custom of taking the tax every second year. For the succeeding 9 years the tax was taken 5 times, so that altogether Bhoom bab was only collected in 10 years previous to the introduction of British rule. It is stated that there was no other reason for the custom of collecting every alternate year except the leniency and generosity of the Government.

19. The Canoongos further stated that Tukht Singh took the tax from 16 holdings only; Sevajee Nana taxed 35 holdings, Dhunraj Singh of Jodhpore added 22 holdings to the previous list, and Raja Bahadur Singh of Kishengurh, who held a farm from the Mahrattas added 26 more. Tantia Sindia and Bala Rao taxed 20 fresh holdings. The total number of holdings therefore which had been taxed before our rule was 103, but the tax was irregularly collected, and at the time of Mr. Cavendish's inquiry, only 78 holdings were found to have paid since 1818; 33 had paid nothing. These 33 Bhooms continued exempt until the abolition of the tax in 1842. There are thus only 5 Bhoom holdings which have never paid Bhoom bab, and with regard to them the Canoongos in Mr. Cavendish's time gave the following

Land and Revenue.]

explanation. The tax was not taken in *Kekri* owing to the grant, or rather perhaps the original Jagir having been conferred for special service. The *Kesurpoora* holding was exempt owing to the influence of the Raja of Bhina, the relation of the Bhoomia. *Beer Bhoom* was similarly exempt owing to the influence of the Raja of Kishengurh. *Sitawarean* was not assessed from consideration of the poverty of the Bhoomia. *Khujpoora Birwae* was not assessed, as from its position on the high road beyond the limits of the District, the village was exposed more than ordinarily to robbers and dacoits.

20. Before entering on the proposals of the Committee as regards the utilization of this tenure for the future, it only remains to notice the correspondence and the orders of Government, on the subject of Bhoomias from 1818 to the present time. Mr. Wilder, the first officer in charge of the District, looked upon the Bhoomias simply as Chowkidars. Over and above the produce of their lands, the Bhoomias on the cession of the District were found in possession of Bhoom and Mapa duties. The former was a tax levied on all goods passing through and staying a night in the village, the latter was a percentage on all goods sold in the village, with the exception of agricultural produce. On the representation of Mr. Wilder these taxes were abolished. Compensation was given to the Istimrardars for the loss of these perquisites in their estates, but none was given to the Bhoomias, Government being of opinion (para. 5 of No. 671, dated 1st November 1872,) that "in respect to the Bhoomias or Chowkidars it being presumed that they obtain an adequate remuneration in the produce of their service lands, no allowance need be made to them, and at all events the question would simply be whether they are sufficiently paid or not."

21. Mr. Cavendish in his Report, dated 8th July 1830, thus writes: "The Bhoomias are Chowkidars resembling a feudal police or militia. They are bound to protect the village crops and cattle from the incursions of plunderers, as also to attend the Soobahdar, to aid in putting down all disturbances in the Province, but not bound to move beyond the frontier; they were and are responsible for the peace and safety of their respective villages, and for the value of stolen property on failure of producing it, and of apprehending those concerned." Mr. Cavendish was of opinion that compensation should have been awarded in Mr. Wilder's time on account of the resumption of Bhoom and Mapa duties. He proposed, as he had done in the case of the Talooqdars, that a standard rate of assessment of 8as. in the rupee of the profits derived by the Bhoomias since Sambut 1874 should be fixed in perpetuity, and that there should be a periodical revision; half of the increase

[Land and Revenue.

in the assets being demanded as additional revenue every 10 years. Government in its reply, dated 7th December 1830, "clearly recognized the right of Government to make periodical Settlements of the Revenue due from the Bhoom lands," and approved the plan of assessment proposed by Mr. Cavendish. As in the case of the Talooqdars, however, no action was ever taken on these orders of Government.

22. On the report of Major Dixon, in 1844, the land held by one Hurree Mair, commonly called Hurree Bhoomia was resumed. This man appeared to have held his land on condition of some ill-defined service of "Hazir bashee," which had latterly been construed into the obligation to maintain a Chaukidar. In Mr. Thornton's letter No. 2958, dated 6th August 1844, the principle is laid down that "Government has always considered itself empowered to resume service lands when the service for which they were granted ceases to be performed or is no longer required, but such resumption by no means affects the right to the land itself." Major Dixon was consequently ordered to resume the land, and settle it on a very light assessment with the person in possession. This is the holding which is alluded to in the 9th paragraph of the present Report, and which we believe was not, and never had been Bhoom. There is no example of any holding which falls under our definition of Bhoom ever having been resumed; the only resumption of Bhoom land which has ever taken place has been in the case of encroachments on the Khalsa.

23. In the year 1842, Government abolished the Bhoom bab which had been collected to the fixed annual amount of Rs. 4,204 up to that time. The reasons for the abolition are given at length in the printed papers on the tenure of the Istimrardars. Up to the year 1854, however, the Bhoomias were in the habit of collecting numerous cesses from the village communities, a mere list of which occupies a long page in Colonel Dixon's proceedings of the 13th December 1854. These cesses, or "lags" as they are called, extended to nearly every incident of life. They took presents on the Holce and Dusserah, they impressed labour to repair their forts, they received a goat yearly, in some villages a buffalo, the Bulahees were bound to furnish shoes, and a churus yearly for the Bhoomia's well. They took 70 heads of Indian corn per field in some villages, and a handful of wheat per field. The villagers had to pay on the marriage of the eldest son of the Bhoomia, and presents known as Chauri and Kansa were made to the Bhoomia on the occasion of every marriage in the village. Colonel Dixon proposed that as the Bhoom bab had been remitted, all perquisites with the exception of halting fees be interdicted, and that it be left optional with the people to present

Land and Revenue.]

the Bhoomias with the Chauri and Kansa, money fees and plates of food on the occasion of marriages. Government in its letter No. 4592, dated 24th November 1854, entirely concurred with Colonel Dixon, and authorized him to give effect to his proposals, which he accordingly did.

24. The opinion of Major Lloyd, on the subject of the Bhoomias, is given in his letter No. 314, dated 24th October 1861, and agrees substantially with the views of the Committee. He says in para. 5, that the resumption of Bhoom lands by the State is wholly unknown in Rajputana, and no measure would create more general dissatisfaction. A dispossessed Bhoomia would at once betake himself to plundering, and would carry the sympathies and secret goodwill of the people along with him. In no case has a Bhoomia been dispossessed for neglect or inefficiency. The punishment in such cases has been restricted to fines and to recovering the value of stolen property.

25. On the extension to this District of Act III of 1869, the Deputy Commissioner ordered each Bhoomia to enrol himself as a Chowkidar. Those who refused to serve personally were required to furnish a watchman for each 20 bighas of well irrigated land in their holding, or to pay Rs. 60 a year as the salary of such watchman. The Bhoomias one and all petitioned against this order, as requiring a service which is no part of their tenure; and though no final orders have been passed on these petitions pending the Settlement operations, yet the order has never been acted on, nor will it probably be revived.

26 We are of opinion that the necessity and utility of the Bhoomia system have passed away with the times of rapine and anarchy which gave it birth. The Government of the day made probably the best provision possible at the time for the protection of travellers and its subjects generally. As shown above, the average income of a sharer in a Bhoom is only Rs. 17, and it is hopeless to expect that a decree for indemnification of losses by theft could be satisfied from the assets of more than a very few holdings. The necessity of protecting village cattle from the incursions of Mairs and Dacoits has ceased with those incursions. The duties of the Bhoomias always partook more of the character of an Imperial Police than of a village guard. In the following proposals, therefore, we desire to revert to what we believe to be the original features of the tenure.

27. *First.*—The responsibility of the Bhoomia for protection of his village and for pecuniarily indemnifying sufferers by theft and robberies should cease.

[Land and Revenue.]

Second.—The Bhoomias should continue liable to be called out to put down riots and to pursue dacoits and rebels. On such occasions they are bound to attend armed with a sword and serviceable gun, but we find it impossible to lay down any rule as to the number of men to be furnished by each Bhoom, further than this, that for every tenure one Bhoomia must, when so required attend, and if the value of the holding by present measurement at the rates of Colonel Dixon's Settlement exceeds Rs. 500, this Bhoomia must attend properly mounted.

Third.—Each Bhoomia should be required to attend on the anniversary of the birthday of the Sovereign at the office of the Deputy Commissioner, accounted as required in the last paragraph, and should then present a Nuzrana.

Fourth.—The amount of the Nuzrana we propose should be fixed at the amount of the old Bhoom bab, Rs. 4,200 annually, and that this sum should be equitably distributed over all the holdings according to the statistics of the present measurement.

Fifth.—Bhoom lands should continue to be not liable to attachment for debt, nor can they be sold or mortgaged to a stranger, and if in contravention of orders any Bhoom is sold or mortgaged it should be assessed with land revenue at the full rates. This rule shall not apply to transfer among the family of the Bhoomia.

Sixth.—A Sanad should be given to each Bhoomia, containing these conditions,

28. The amount of land which belongs to each holding has never been definitely fixed. Mr. Cavendish took the statements of the Bhoomias, Patels, Canoongos and Jagirdars as to the size of the Bhoom, and measured the land pointed out by the Bhoomias. Colonel Dixon did not measure the Jagir villages at last Settlement. We propose that an excess of more than 5 per cent. over the highest recorded area in Mr. Cavendish's measurement in Colonel Dixon's measurement, or according to the statement of the Bhoomia be resumed. The Bhoomia should be allowed to choose the land to be resumed: if it is cultivated land it should be settled with the Bhoomia, if uncultivated land with the village community or Jagirdar in whose village the Bhoom is situated. No Bhoomia of course will receive more land than the amount found in his possession at the present measurement.

29. The amount which we propose to make a fixed and permanent assessment on these holdings, Rs. 4,200, is only about $\frac{1}{4}$ th of the estimated

Land and Revenue.]

annual rental. The Bhoomias on our Committee, after consultation with a number of other Bhoomias, proposed that the amount of Nuzrana should be $\frac{1}{16}$ th. Colonel Dixon's rates, as shown by the Settlement Officer in another Report, may fairly be taken as representing one-fourth of the gross produce. The gross produce therefore may be considered as equal to Rs. 1,44,000. The Government of India has ordered that revenue-free holdings obnoxious to resumption should be assessed at one-fourth the ordinary assessment, and this basis of the ordinary assessment is to be one-sixth of the gross produce. On this analogy the Nuzrana to be paid by the Bhoomias would be Rs. 6,000 or one twenty-fourth part of the gross produce. We have, however, recommended the sum of Rs. 4,200, as it is the amount of the old tax, and will be readily accepted as such by all the Bhoomias, and because, though one-third of the holdings did not pay the tax, it must be remembered that the tax was largely defrayed from the unauthorized cesses which were abolished on the abolition of the tax, and which it is not intended to revive.

30 At the present inquiry 235-9 bighas have been found to be mortgaged for a gross sum of Rs. 8,545, as shown in the separate statement accompanying. The mortgages are all in six Bhoom holdings, and are nearly all of the class known as "Baraskati," which lapse of themselves after a fixed term of years. We have reason to believe that there are more mortgages of Bhoom land in existence than those shown in this statement. No Bhoomia or Mahajun of Ajmere can pretend to be ignorant of the reiterated orders prohibiting the mortgage of Bhoom lands. Colonel Dixon in his proceedings, dated 4th May 1843, forbade the mortgage of Bhoom, under penalty of resumption and cancelment of the mortgage bond, and in 1849 all mortgage deeds entered into after the date of the prohibition were called for, and cancelled. Neither mortgagee nor mortgagor therefore do we consider entitled to any leniency in this matter, but as we are unwilling to propose the resumption of mortgaged Bhoom without giving the Bhoomia a last chance we recommend—

1st.—That all mortgages of Bhoom land be again declared null and void.

2nd.—That each Bhoomia be served with a notice calling on him to declare all existing mortgages on the Bhoom lands before the 1st January 1874, under the penalty of resumption of the entire Bhoom holding, if it be afterwards discovered that any have been concealed.

3rd.—That a fine equal to $\frac{1}{4}$ th of the existing mortgage debt be imposed on every mortgagor, and the mortgagee be directed to recover his debt from other property of the Bhoomias. The fine of $\frac{1}{4}$ th the mortgage debt

might either be considered a penalty or applied towards the discharge of the mortgage.

4th.—If this fine be not paid by the 1st May 1874, the land so mortgaged should be struck out of the area of Bhoom, and settled with the Bhoomia at the ordinary assessment.

31. It is almost unnecessary to provide against the sale of Bhoom; for the practice is quite unknown, and no instance has occurred since the establishment of British rule. Sale would of course entail the same penalty as mortgage. In the statement in para. 15 one holding is put down as having been purchased. This holding is the Bhoom in Munglewas, 140 bighas which was transferred from Bhawan Singh, Gor, to Ajeet Singh, Rahtor, in the time of Mahajee Sindia. The Rahtor took upon himself all the duties and responsibilities of a Bhoomia, and the transaction is of such ancient date that it is impossible to say now whether it was sanctioned or overlooked by the ruling power at the time; at any rate we do not propose to attach any penalty to this transfer now.

32. The subject of Rural Police remains. The provision made by Colonel Dixon at last Settlement was as follows. In 58 villages of Ajmere, the duty of Watch and Ward was left in the hands of Bhoomias. In 18 villages Chowkidars were appointed at Rs. 3 a month, their pay being derived partly from halting fees paid by travellers and partly from the fund for village expenses. In four villages there were no Chowkidars. In Mairwara, Colonel Dixon considered the Mairs fully capable of guarding themselves and their villages, and Chowkidars were only appointed in one or two large villages where there was a considerable trading population. Each resident contributed a certain amount of grain for the pay of these Chowkidars. In the following proposals we advocate not what we consider abstractedly the best system; but that which we consider most suitable under the circumstances. As long as the practice prevails in the Court of the Deputy Commissioner and International Court of holding the village community pecuniarily responsible for losses by theft and robbery, we would not detach the duty of Watch and Ward from the village community.

First.—We would appoint no Chowkidars in Khalsa or Jagir village which contains less than 200 houses. All Mahajans, however, we would assess at Re. 1 a house per annum, and these fees would form the perquisite of the Head Lumberdar, who is responsible for giving information to the Police, or be credited to village expenses.

Land and Revenue.]

Second.—In all villages containing more than 200 houses we would appoint Chowkidars on Rs. 4 a month, to be paid from a cess of Re. 1 per house per annum levied from non-agricultural residents. These watchmen are to be under the orders of the Head Lumberdar, and are responsible for giving information only under Part III, Chap. VIII, Act X of 1872. The Head Lumberdar is responsible to Government.

Third —In Jagir villages we purpose to hold the Jagirdar responsible as a Head Lumberdar. Owners of land in Jagir and Khalsa villages are only responsible under Section 90, Act X of 1872.

Fourth.—All holders of Muaffee land in Jagir and Khalsa villages we would require to pay a cess to be credited to village expenses or paid to the Head Lumberdar. This cess we propose should be Re. 1-14 per cent. on the amount which would have been assessed had the holding not been revenue free, so that plus Rs. 3-2 per cent, which will be taken from Muafidars and Jagirdars as Road, School, and Dak cesses, the tax on Muafidars will be 5 per cent. of the revenue which would have been assessed.

33 There does not appear to be anything else that we can add. We propose to consider Bhoom a hereditary property, to which the ordinary rules of inheritance including the privilege of adoption are applicable. The Rural Police we propose to make over entirely to a Head Lumberdar in the Khalsa, and to the Jagirdar in the Jagir villages.

No. 3165, dated Ajmere, the 12th September 1873.

From—LESLIE S. SAUNDERS, Esq., Commissioner, Ajmere-Merwara.

To—THE CHIEF COMMISSIONER, Ajmere and Merwara.

SIR,

I have the honor to report for the orders of Government, on the general question of the Bhoom holdings in this District; the subject has been repeatedly discussed, and has been several times before Government. The last orders on it were conveyed in para. 22 of Foreign Secretary's letter No. 377 R, dated 28th October 1871, and this report is that contemplated, under the 4th heading of the para. above-mentioned as to how the services of these Bhoomias may be best utilized.

2. It has been our endeavour to make this correspondence as complete

1. Mr. Wilder's No. , dated 5th September 1822, (In print).
2. 30th
3. Mr. Mackenzie, Secretary to Government, No 671, dated 1st November 1822
4. Mr Hawkins, Resident and Chief Commissioner, Delhi, dated 4th January 1831, with enclosure.
5. Mr. Cavendish's letter, dated 8th July 1830
6. Major Dixon, Superintendent, Ajmere, dated 11th November 1844
7. "
8. "
9. "
10. "
11. "
12. "
13. Colonel Brooke's No. 205, dated 19th August 1871, with enclosures.
14. Settlement Officer's No. 141, dated 18th May 1872, (30 copies submitted in print).
15. "
16. "
17. "
18. Commissioner's No. 309, dated 27th January 1873
19. Bhoom Committee's Report, dated August 1873, (30 copies submitted in print).

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15. "
16. "
17. "
18. Commissioner's No. 309, dated 27th January 1873
19. Bhoom Committee's Report, dated August 1873, (30 copies submitted in print).

3. The Statement of the Bhoom holdings has not been printed, and is therefore submitted in original, as it is voluminous, and a full and sufficient abstract is given in the Committee's Report, which will probably be found sufficient for all practical purposes.

Land and Revenue.]

4. I regret that this subject has not been kept quite distinct and separate; but unfortunately in the correspondence from the earliest days, the subject of the Rural Police, and in some measure the protection of the Merwara passes, has become mixed up with the general question, and at this late date, it would be almost impossible to separate the different questions arising in this correspondence, therefore I have thought it better to discuss them in one letter, and to ask for distinct orders on each separate question.

5 I do not propose to go back to the old correspondence further than is necessary, but rather to accept the facts ascertained by the Committee, which was convened for the ascertainment of the present and past status of this peculiar tenure, but I will give a short *resumé* of the facts arrived at by the enquiry of the Committee, as noticed in their very painstaking and valuable Report; subsequently, I will notice the proposals made by the Committee, and finally make the recommendations that seem to me required in this important case.

6. The Committee consider the tenure of the Bhoomia to be part and parcel of the land tenure of Rajputana, and that the Ajmere Bhoomia bears no semblance to the ordinary Chowkidar. He is a man of influence and social position equal to the Thakurs of the surrounding Native States. Colonel Tod's description of this class of men is given, showing that this tenure is so cherished that "the greatest chiefs are always solicitous to obtain it."

7 The Committee proceed to show that of the 5 classes of Bhoomias mentioned by Colonel Brooke, almost all the Bhoom holdings in Ajmere belong to the 4th and 5th class, which are nearly identical; only 2 holdings belonging to the 3rd class, and even in those cases they do not propose to make any difference in disposing of them.

8. The duties and liabilities of the Bhoomia is then defined; as also the definition of Bhoom, and its incidents, as existing in this District; in these responsibilities, and definitions as therein expressed, I concur fully, and have little or nothing to add.

9. The report then continues to give an abstract of the holdings, and number of Bhoomias, from which we learn that there are 108 genuine Bhoom holdings, that there are Sanads only in a very few villages, and that the origin of most of these grants is buried in obscurity, but that about one-half of the whole were given by the Moghul Emperors of Delhi, that by far the

[Land and Revenue.

majority, or about four-fifths of the Bhooms, are held by Rahtor Rajpoots, who can trace their families back to the same stock as the Maharajas of the neighbouring States.

10. The custom of inheritance is proposed to be left untouched, as the customs are well established, and clearly defined; in 16 holdings primogeniture is recognized; in 10 holdings, the eldest son obtains a larger proportion than his brethren; and in the remaining holdings, the inheritance is guided by succession in ordinary ancestral shares.

11. The holdings have all been measured, except in the villages, which it is proposed to exchange with the Maharaja of Kishengurb, in lieu of the promised compensation for his loss of transit dues caused by the construction of the Rajputana Railway; the measurements show the holdings to amount to a little more than 50,000 bighas, of which $\frac{2}{3}$ are in Khalsa villages and $\frac{1}{3}$ in Jaghir villages, the approximate annual value of the land-revenue surrendered is about Rs. 36,000 to Rs. 37,000 including Jagir, or about Rs. 25,000 on Khalsa land only.

12. The average of each of the 108 holdings, appears to be about 464 bighas, but in these holdings there are reported to be 2,102 shares, or nearly 20 sharers in each Bhoom, each of whom holds on an average 26 bighas 14 biswas of land, which if fully assessed according to the rates of last Settlement would pay about Rs. 17-8-0.

13. The Committee then show on what occasions and how often a cess or tax, called *Bhoom bab* was levied, and that it was not taken from all the holdings, they then proceed to show what correspondence on this subject has passed since the District passed into the hands of the British Government, the principal order being the one passed by Government on 7th December 1830, to the effect that it "clearly recognized the right of Government to make periodical settlement of the revenue due from the Bhoom lands," and here I would mention that of the abstract right of Government to fix revenue on these Bhoom holdings as on the Taluqdars lands, or on Jagir, or Muafee land, given by any former Government there can be no doubt; but it is rather a question of expediency and good faith than one of abstract right.

14. The report records the fact that in 1842 this cess, or *Bhoom bab* was resigned by Government, on condition of all the numerous cesses, or *lags*, previously taken by the Bhoomias from the village communities being also

Land and Revenue.]

abolished; this order was accordingly carried out by Colonel Dixon, and it is not shown that any collections on these accounts are now made by the present Bhoomias, and they should certainly be declared to have lapsed.

15. The Committee then proceed to record how lamentably this tenure was mistaken by the Deputy Commissioner in 1869, when he endeavoured to make these Representatives of proud Rajput families, common village watchmen, or else to enforce the salary of a chowkidar being paid by them; this order was, however, never enforced, and has, I hope, now sunk into oblivion.

16. We now come to the practical recommendations of the Committee, which are contained in the following 6 proposals:—

1st.—To relieve the Bhoomias of all Police responsibilities.

2nd.—To oblige the Bhoomias to arm themselves, to enable them to assist in putting down acts of violence.

3rd.—To appear armed and accoutred on the Queen's Birthday and to pay on that date a nazrana to the Sovereign.

4th.—The amount of the nazrana to be the same as the *Bhoom bab* or Rs. 4,200 per annum.

5th.—Bhoom lands not to be alienable, if alienated to be assessed.

6th.—A Sanad to be given embodying these conditions.

17. It is then proposed to resume all Bhoom lands over 5 per cent. held in excess of the sanctioned grant; it is shown that the proposed amount of nazrana is about $\frac{1}{3}$ th of the estimated annual rental; and proposals are then made for dealing with mortgaged Bhoom lands, and it is noticed that sale of such lands is, except in one solitary instance, unknown.

18. Before making use of the information collected, and so clearly put forward by this Committee it is incumbent on me to bring to notice the valuable work done by the Committee, which has rendered my portion of the work so easy, and will I trust conduce to the early disposal of this somewhat complicated matter; the main credit is due to the extensive and intimate knowledge of the affairs of the district held by Major Repton, and to the very patient investigation and careful collection of materials by Mr. LaTouche, to whom also we are particularly indebted for the very complete, well written, and concise report now submitted to the other Members of the Committee, not forgetting the Bhoomia gentlemen, who joined the Committee at my request, I think the thanks of Government are also due.

Land and Revenue.

19. As before mentioned I accept the facts collected by the Committee, and I consider the deductions from those facts as irrefutable. I also admit the right and power of Government to assess these holdings, as I also did, when the question of assessing the Taluqdars of this District was under discussion, but for the very same reasons, as I then gave, I most strongly recommend and urge that this right should be abandoned and this power resigned.

20. The two tenures, though varying in their incidents and conditions, stand on the very same basis, and what applies to one, may also be said to extend to the other, except that the Taluqdars have always paid a quit-rent, and the Bhoomias have been excused theirs for upwards of 30 years

21. It may, I think, be at once allowed, that to utilize their services to any appreciable extent, or in the manner they were previously employed in, is now next to impossible, the Committee have recognized this fact, and propose to relieve them of all responsibilities for Police duties, but would call them out as a sort of Militia, in case of riots, rebellions, or dacoities, in either, or each, of these cases all loyal and true landowners would be liable for service, and so I do not look on this proposition as a set-off against their rent-free-grants; in the same way, obliging them to arm themselves, and to appear once a year before the Deputy Commissioner, though supporting the idea, and recognizing the origin of the Feudal Tenure, would be of but small practical use.

22. Though not desiring to depreciate the value of the proposals made by the Committee, I cannot help noticing the fact, that the whole number who would appear for service according to their second proposal, would be 108, and they would have to be supplied with rations; it therefore appears to me that the advantage of preserving this Feudal Tenure over such an insignificant number as above mentioned, is scarcely worth the trouble, and the procedure of attendance proposed would certainly in the course of a few years fall into desuetude.

23. The levy of nazrana is in strict accordance with native custom and idea, and has been recognized and approved for the Taluqdars of this District, who are shown to hold their lands on a somewhat like tenure; as this proposal is made by the Committee, it is the re-imposition of the remitted *Bhoom lab* which the Government of India has already declared, it has no intention of again levying. I would therefore recommend that this *Nazrana* should be levied, as in the case of the Taluqdars on successions. The amount

Land and Revenue.]

proposed by the Committee might after distribution on the holdings, be accepted as the standard, and the nazrana might be fixed according to the rules subsequently adopted for the Taluqdars of the District, or if this be not considered sufficient, at double the rates so decided upon.

24. With the declaration of the levy of nazrana, I would allow all ideas of utilizing the service of Bhoomias, or of restoring the Feudal Tenure of service, to die away; I would declare them (subject to good conduct, and allegiance to the throne) as perpetual Jagirdars, or Muafidars, and bring their holdings on the ordinary list of rent-free-tenures for this District, while at the same time I would allow them to keep their appellation of Bhoomia, which is one much respected and revered, and a term which it would be unpopular, and nearly impossible to abolish; the amount of Khalsa land held by them, and the value of it, is not excessive, considering how we became possessed of this District.

25. The restriction on alienation of Bhoom lands should be preserved, and some such conditions, as are proposed in paragraph 30 of the Committee's Report, should be enforced. I propose to embody some provision to this effect in the Substantive Law of the Province, now under preparation, as is being done for the Taluqdars of the District, and the declaration of the Government of India that all Bhoom lands that have been alienated are to be assessed, will be carried into effect at the present Settlement.

26. The sixth proposition to confer Sanads on all Bhoomias, is one that should be certainly carried out. Draft Sanads are being prepared for the Taluqdars, and it is also proposed to give them to all Jagirdars and Muafidars, and so the Bhoomias should also receive them, when the conditions of their tenure are finally settled.

27. The propositions then that I have to make are as follows:—

First.—That all responsibility of the Bhoomia for Police duties shall cease, except such as they are liable to as ordinary landowners.

Second.—That they shall be declared to be Jagirdars in perpetuity of their holdings, subject to the payment of the ordinary cesses, and of a nazrana, to be fixed on successions.

Third.—That alienations, temporary or permanent, shall entail assessment at ordinary rates.

Fourth.—Sanads to be granted.

28 These proposals come to very nearly the conditions prescribed by the Government of India in para. 22 of the letter under reply, but the argument adduced by the Committee in para 26 of their Report shows why the sole responsibility of these Bhoomias to reimburse losses cannot be sustained; of course in common with all other landowners in Rajputana, they will be held responsible up to the value of their property, for losses sustained in their villages, but I do not think any special responsibilities on this account can be sustained, when they shall pay in common with all other landowners a share in the cost of the Village Police.

29. I regret to see a good old Feudal custom like this passing away from amongst us, but the times are so altered, and duties and responsibilities of our Police have been so clearly defined and recognized, that I confess I have been unable to suggest any compromise, which should utilize the services of this useful class of Allodial Police; the proposals made by the Committee may commend themselves to your judgment, and I should not be at all sorry to see them accepted, but they appeared to me somewhat unpractical, and almost useless, and so I have endeavoured to banish sentiment, and put them on the only sound footing I thought possible to recommend.

RURAL POLICE

30 The Committee's proposals regarding the Rural Police are that no Chowkidars shall be appointed in villages with less than 200 houses; in all other villages, Chowkidars to be appointed, but in every case the Head Lumberdar to be held responsible for Watch and Ward, in Jagir villages the Jagirdar to be appointed Head Lumberdar, with like duties, and all holders of Muafee land to pay a cess of Rs. 1-14 on value of his holding towards Watch, and Ward; and Mahajun, and other non-agricultural residents to pay Re. 1 per annum per house; such collections to be made over to the Head Lumberdar.

31. These proposals generally meet with my approval. Arrangements will have to be made for reports being regularly and periodically submitted for all villages, whether they have 200 houses or not; and so I am under the impression that a Chowkidar will be found necessary for every village in the District; the Head Lumberdar should be held responsible for reporting all crime, but he will certainly require an assistant to patrol the village at night,

Land and Revenue.]

and to go to the Police Stations with his weekly report. I would then appoint an am to every village, under the Head Lumberdar, who should be paid by assess, the amount of which will be proposed in a subsequent communication

32. With the introduction of these proposals, if sanctioned, the application of Act III of 1869, which was only extended as a tentative measure to this District should cease. The subject of the protection of the Merwara Passes I propose to deal with separately.

No. 30, dated 10th January 1874.

From—THE CHIEF COMMISSIONER, Ajmere,

To—THE SECRETARY TO THE GOVERNMENT OF INDIA.

SIR,

No 3165 of
2th Septem-
ber 1871,
from Commis-
sioner,
Ajmere, with
accompani-
ment.

I have the honor of submitting the report called for under heading 4 of para 22 of your letter No. 377R, dated 28th October 1871.

2. Appended to the report of the Commissioner of Ajmere is a valuable document containing a Report of the Committee assembled to report on the Bhoom holdings and Rural Police of Ajmere.

3. Major Repton, the Deputy Commissioner, sat as President, and Mr. LaTouche, officiated as Secretary. The Report has, in my opinion, been drawn up with great care and skill, and is based on enquiries instituted with diligence and practical good sense.

4. After receiving the accompanying papers from the Commissioner, I endeavoured to the best of my ability to collect from various sources any further information I might be able, concerning these interesting and ancient tenures; and I particularly sought for some mode of procedure under which the services of this class might be utilized. But the longer I pondered the subject the more I came to doubt whether any new or modified scheme that I might elaborate, and which must of necessity be more or less theoretic, would be sufficiently valuable or reliable to warrant my encumbering these already voluminous papers with its details.

5. In this dilemma I sought counsel with that experienced Chief, the Maharajah of Jeypore, who has many Bhoomias within his jurisdiction, and practically acquainted with the management of their interests.

[Land and Revenue.

6. With the kind intervention of Colonel Beynon, the Political Agent, I submitted all these Bhoomia papers to the Maharajah, who went carefully through them with his private secretary, and favoured me with an opinion in writing, which I subjoin in full.

"The nature of the Bhoom tenures and the rights of the Bhoomias have" been so fully and clearly set forward in the report submitted by the "Committee, and in the other papers accompanying the Commissioner's" "correspondence, that there is nothing left to be said on these heads."

"The propositions of the Commissioner with regard to the final settle-" ment of the Bhoom holdings are certainly lenient; but they are likely to be" "construed into an extinction of the special rights the Bhoomias have enjoy-" "ed from time immemorial, inasmuch as they leave almost no distinction" "between Bhoomias and landowners in general."

"The proposals made by the Committee though more binding are in" "accordance with the original features of the tenure, and so the Bhoomias" "will be better pleased with the Committee's recommendations."

7. The Maharajah further requested Colonel Beynon to explain that within his own territories his Bhoomia Chiefs, &c., were subject to the following responsibilities and rules:—

1st.—They are responsible for the safe custody of travellers passing through their holdings.

2nd.—They are responsible for robberies committed within their Bhoom holdings.

3rd.—They cannot sell their Bhoom lands.

4th.—They pay no rent, nor is any rent demanded from them.

5th.—No Police duties devolve on them.

6th.—The rule is not to interfere with them, and

7th.—In the event of a marriage, a death or other sudden contingency occurring among the Bhoomias, the Durbar may levy a general contribution to meet the extraordinary outlay. But this custom is seldom observed.

8. On the whole, and taking into consideration that the suggestions of *Vile Para 26*, the Committee are based on careful local inquiry, and are approved by the ^{& suggestion of the Com.} Maharajah of Jeypore, I would suggest, that they be accepted generally by ^{the Com.} _{report.}

Land and Revenue.]

His Excellency in Council, and that if when practically applying these suggestions to the Bhoomia Chiefs, &c., it should be found that in particular instances the suggestions are distasteful or susceptible of improvement, such instances should be re-considered specially on their merits.

9. I entirely agree with the Maharajah in thinking that when dealing with ancient tenures and customs we should endeavour to develop these into harmony with the requirements of the age, rather than abolish the old, and introduce something, which although perhaps superior in itself, might not be understood by, or acceptable to the community most interested.

10. As regards the Police duties, I confess, I am still in doubt. I understand from the Jeypore Chief that duties of this description are not considered by him to form any part of the duties required from the Bhoomias.

[Land and Revenue.

BHOOM HOLDINGS AND RURAL POLICE, AJMERE.

No. 230R, dated 24th September 1874.

From—THE SECRETARY TO THE GOVERNMENT OF INDIA.

To—THE CHIEF COMMISSIONER OF AJMERE.

Foreign Department.

Revenue.

SIR,

In reply to your letter No. 30, dated 10th January last, I am directed to state that after careful consideration of the proposals submitted by the Committee appointed to report on the duties and liabilities of the Bhoomias of Ajmere, the Governor-General in Council is pleased to accept those proposals in their entirety. The only alteration which it will be necessary to make, is in the date fixed in the 4th clause of paragraph 30 of the Committee's Report, for the limit within which fines imposed on account of mortgages of Bhoom land must be paid. This date should be 1st May 1875.

2. I am to request that the necessary steps may be taken to make known to the Bhoomias the conditions under which their tenures will in future be held, and to obtain from them an agreement to those conditions in return for the Sanads which will be conferred upon them.

3. His Excellency in Council also thinks that the proposals of the Committee, in regard to the Rural Police of the Province, and the arrangements for meeting the charges on account of the Chowkidars are suitable and may be approved. The Dupty Commissioner of Ajmere should be instructed to give effect to these proposals with the least possible delay, and to report the number of Chowkidars appointed, as well as the cost of the establishment compared with the proceeds of the sanctioned rates and cesses.

4. The thanks of the Government are due to the Members of the Committee for the labor which they have bestowed upon this important subject, and you are accordingly requested to convey to them the acknowledgment of His Excellency in Council.

No. 799 or 1874.

Forwarded to the Commissioner, Ajmere, for information and guidance with reference to his No. 3165, dated 12th September 1873.

AJMERE CHIEF COMMISSIONERSHIP,
CAMP SAMBUR,
The 5th October 1874.

}

(Sd.) LEWIS PELLY,
Chief Commissioner.

Land and Revenue.]

His Excellency in Council, and that if when practically applying these suggestions to the Bhoomia Chiefs, &c., it should be found that in particular instances the suggestions are distasteful or susceptible of improvement, such instances should be re-considered specially on their merits.

9. I entirely agree with the Maharajah in thinking that when dealing with ancient tenures and customs we should endeavour to develop these into harmony with the requirements of the age, rather than abolish the old, and introduce something, which although perhaps superior in itself, might not be understood by, or acceptable to the community most interested.

10. As regards the Police duties, I confess, I am still in doubt. I understand from the Jeypore Chief that duties of this description are not considered by him to form any part of the duties required from the Bhoomias.

[Land and Revenue.

BHOOM HOLDINGS AND RURAL POLICE, AJMERE.

No. 230R, dated 24th September 1874.

From—THE SECRETARY TO THE GOVERNMENT OF INDIA.

To—THE CHIEF COMMISSIONER OF AJMERE.

Foreign Department.

Revenue.

SIR,

In reply to your letter No. 30, dated 10th January last, I am directed to state that after careful consideration of the proposals submitted by the Committee appointed to report on the duties and liabilities of the Bhoomias of Ajmere, the Governor-General in Council is pleased to accept those proposals in their entirety. The only alteration which it will be necessary to make, is in the date fixed in the 4th clause of paragraph 30 of the Committee's Report, for the limit within which fines imposed on account of mortgages of Bhoom land must be paid. This date should be 1st May 1875.

2. I am to request that the necessary steps may be taken to make known to the Bhoomias the conditions under which their tenures will in future be held, and to obtain from them an agreement to those conditions in return for the Sanads which will be conferred upon them.

3. His Excellency in Council also thinks that the proposals of the Committee, in regard to the Rural Police of the Province, and the arrangements for meeting the charges on account of the Chowkidars are suitable and may be approved. The Dupty Commissioner of Ajmere should be instructed to give effect to these proposals with the least possible delay, and to report the number of Chowkidars appointed, as well as the cost of the establishment compared with the proceeds of the sanctioned rates and cesses.

4. The thanks of the Government are due to the Members of the Committee for the labor which they have bestowed upon this important subject, and you are accordingly requested to convey to them the acknowledgment of His Excellency in Council.

 No. 799 of 1874.

Forwarded to the Commissioner, Ajmere, for information and guidance with reference to his No. 3165, dated 12th September 1873.

AJMERE CHIEF COMMISSIONERSHIP, }
 CAMP SAMBUR,
The 5th October 1874.

(Sd) LEWIS PELLY,
Chief Commissioner.

MUAFI HOLDINGS.

No. 403R., dated 14th December, 1871.

From—THE SECRETARY TO THE GOVERNMENT OF INDIA.

To—THE CHIEF COMMISSIONER OF AJMERE.

Your letter No. 354, dated 27th October, having put Government in possession of the further information necessary for the disposal of the matter which formed the subject of your letter No. 202, dated 18th August last, I am now to convey the decision of His Excellency the Viceroy and Governor-General in Council thereon.

2. I am in the first place to observe that the translation of the Sanad sent in your first letter, or rather apparently the English translation of the Urdu translation of the original Mahratta Sanad, is quite incorrect in an important particular. There are in the Urdu no words signifying that the grant was given "in perpetuity." The Governor-General in Council would be glad to learn how it occurred that the document came to be so incorrectly translated.

3. It is well known indeed that the rent-free tenures were rarely given in perpetuity by a Native Ruler, except for the purpose either of endowing a religious or charitable institution, or of perpetuating a succession of holy men whose vows bound them to celibacy, in neither of which cases would alienation have been recognized by the Native Government.

4. As a general rule other grants were either hereditary, or without further specification than that annual payment was to be made to a particular individual. The former were, under Native Governments, invariably limited to the lineal heirs of the grantee, and were continuable as long as such heirs survived; the latter and to this class, the particular case out of which this question has arisen, would appear to belong, were often renewed to heirs by the issue of fresh Sanads on the death of the holder.

5. The transfer for a consideration of grants of this description would, His Excellency in Council believes, have been as little recognized by a Native Ruler as that of grants of the description first mentioned, and indeed the inability to alienate is to be inferred from your own remark in para 7, that the tenures in question would lapse on failure of heirs. But His Excellency

[Land and Revenue.

in Council is willing to commute the prospective liability of these holdings to entire resumption for the payment of a regular annual quit rent of one-fourth of the amount at which, if resumed, they would be assessed. In consideration of the payment of this quit rent the holders would be left to deal with the land as they pleased, and to sell or mortgage it under the ordinary law applicable in Ajmere to such transactions.

6. This then should be one of the operations to be undertaken in the course of the Re-settlement now commencing in the Province. It should be applied only in the case of personal grants; grants in favour of sacred buildings or charitable institutions remaining in force as heretofore entirely rent-free but not transferable.

No. 465, dated Camp Neemuch, 23rd December 1871.

From—THE CHIEF COMMISSIONER, AJMERE AND MERWARA.

To—THE SECRETARY TO GOVERNMENT OF INDIA, FOREIGN DEPARTMENT

With reference to your No. 403R., dated 14th December 1871, regarding the alienation and assessment of rent-free tenures in Ajmere, I have the honor to request that the matter may be again laid before His Excellency the Viceroy and Governor-General in Council, as the decision given has been founded on the apprehension that the customs prevailing in this part of the country are identical with those in some other part of India, and that the translation of Scindia's Sanad forwarded to me by the Deputy Commissioner was not correctly given.

2. With regard to the latter point, I would beg to point out that the word used in the Urdu translation of the Mahratta document in two places to express the terms "in perpetuity" is "Shoodamud," and this word is always so applied in Rajasthan in the same manner as the word "Sadeen" expresses "from time immemorial." The translation therefore is perfectly correct on this point; the grant to Ganesh Brahmin by Scindia having been a grant in perpetuity.

3. With respect to the 3rd paragraph of your letter, I would observe that hereditary grants to Brahmins are very common everywhere in Rajputana, without any holy offices or conduct being expected in return. Hardly

Land and Revenue.]

a single village exists which has not a few fields so bestowed. No sanctity is required nor celibacy enjoined. (The Sects bound to celibacy are the Sadhs and Gosains, few of whom are found in Rajputana) The mere gift of land to a Brahmin (whether ignorant or otherwise appears to be of no consequence) is regarded a charitable act, and is frequently made an occasion of great sickness, marriages, births of sons, or other causes for rejoicing. The recompense will be attained in a future state not only for the gift, but also for the preservation of like gifts made by ancestors.

4. Grants of land to Brahmins in Rajputana are always hereditary and without restriction as to time, and made nearly always without specification and without any annual payment; though in the course of time a State may sometimes exact a small payment in cases of disputed successions, or adoption of distant members of the family, when the payment also becomes hereditary. *Succession is limited to lineal heirs of the grantee, though in course of time the branches from which adoption can be made become very numerous.*

5. The second class mentioned in your 4th paragraph, the Sanands of whom require renewal on the death of each holder, does not exist in Rajputana. A Sanad is only once given, and only one record made. Scindia's Sanad to Gunesh Brahmin requires no payment from the grantee, as your letter supposes, but in addition to the land gives a small tax on the customs revenue of Ajmere.

6. In Rajputana, grants of land to Brahmins cannot be alienated by sale; but they can be mortgaged for any number of years irrespective of lives. If the grantee's family becomes extinct, or is not to be found, but not otherwise, the land can be resumed by the State on payment of the sum for which it was mortgaged. In my letter No. 202, dated 18th August 1870. I allowed that this particular grant might, perhaps, be legally resumable, but I questioned the policy of resumption. If it is decided that the purchaser is to pay one-fourth of the amount at which the land would be assessed, and then is to hold in perpetuity, it appears to me that Government will be in a worse position than if it takes its chance of entire resumption, to which it is decidedly entitled on failure of heirs. You will find also that the number of sales will be very few indeed, and no fresh ones can be expected. The income from this source, moreover, will be so small that it will not be worth calculating.

No. 67R, dated Fort William, 9th March 1872.

From—THE SECRETARY TO GOVERNMENT OF INDIA, FOREIGN DEPARTMENT.

To—THE CHIEF COMMISSIONER OF AJMERE.

In reply to your letter No. 465, dated 23rd December, I am to state that His Excellency the Viceroy and Governor-General in Council sees therein nothing to render it advisable to modify the views expressed in my previous letter, No. 403R., dated 14th December last.

2. The word "Shoodamud" cannot be regarded as conveying a grant in perpetuity, or even a hereditary grant, for which there was a common formula well known to the Mahratta Court, by which the grant now in question was conferred. The effect of the word is merely to continue the grant on the terms on which it has heretofore been held, whatever these terms may be.

3. With reference to the remarks in paragraphs 2 to 4 of your letters I am to observe that there is a great and important distinction between grants in perpetuity and hereditary grants dependent on the existence of heirs; and further, that in the special case under reference the grant was made not by a Rajput, but by a Mahratta Court.

4. There is, I am to observe, in my previous letter No. 403R., dated 14th December 1871, no supposition, such as that mentioned in the 5th paragraph of your letter under reply, that Scindia's Sanad in this particular case required a payment from the grantee.

5. I am further to remark that there is little or no practical distinction between a sale and a mortgage extending for an indefinite period beyond the lives of those having interest in the property, so that it would not be reasonable to permit such mortgages as recommended by you, while prohibiting absolute sales. To such a ruling, the course prescribed by Government is undoubtedly to be preferred, not only on the ground of expediency, but also on that of liberality. So long as a contingent liability to resumption remains, there is a necessity for Government Officers enquiring into the private affairs of Inamdars. It is the object of Government to get rid for ever of the liability to resumption, and to permit unreserved sale or mortgage in return for a quit-rent of one-fourth of the ordinary assessment, and His Excellency in Council considers it advisable to offer these terms in cases of the kind referred to in which the land granted is still in possession of the family of the original grantee, and to impose them without offer when the land has been alienated.

Land and Revenue.]

FORM OF SANAD GIVEN TO ISTIMRARDARS
OF AJMERE.

Granted to _____ Istimrardar of _____

in the Parganah of _____

Whereas the Governor-General of India in Council has been pleased to waive the right of the British Government to enhance the assessment of your estates, and to declare the existing assessment of those estates to be fixed in perpetuity. Therefore this Sanad is granted to you, to set forth the conditions in consideration of the true and faithful observance and fulfilment of which by yourself, your heirs, representatives and assigns, the aforesaid concession is made.

CONDITION I.

The Istimrardar of _____ for the time being, holding the Estates specified in Schedule A, hereto annexed, shall at all times remain faithful in all allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, and perform all the duties which, in virtue of such allegiance, may be demanded from him. If any question arises as to whether this condition has been faithfully observed, the decision thereon of the Governor-General in Council shall be final.

CONDITION II.

He shall pay annually to the British Government the sum of Rs. _____ at present assessed on the villages of his Estates enumerated in the said Schedule A. Such sum shall be payable by such instalments, and on such days, as are set forth in Schedule B.

CONDITION III.

If, at any time, water be taken for the irrigation of any portion of his estates from any canal or irrigation work, constructed or maintained at the expense of Government, he shall, in addition to the aforesaid assessment, pay such water-rate as Government may, from time to time, determine.

N.B.—As to the Ajmere Istimrari Tenure and the conditions in the Sanads granted to the Ajmere Istimrardar see correspondence ending with letter No. 74 R., dated 2nd April 1874, from the Secretary to the Government of India, to the Chief Commissioner Ajmere respectively, in the Commissioner's Office file on the subject.

CONDITION IV.

On the discovery of any mines on his Estates, he shall forthwith make the fact known to Government, and shall, in addition to the assessment aforesaid, pay to the Government such royalty, not exceeding one-half of the net profits, as Government may be pleased to demand.

CONDITION V.

In addition to the annual amount assessed on his Estates, he shall pay all legal cesses for local works, improvements, schools, police or other purposes, at such rates, and in such manner, as the Government may, from time to time, determine.

CONDITION VI.

He shall, in accordance with custom, make reasonable provision for the support of such surviving relatives of his immediate predecessor as are hereinafter mentioned, and, in the event of any dispute arising as to such provision, shall conform without objection to the orders he may receive from the Chief Commissioner, or other Principal Officer charged with the administration of Ajmere. The relatives above referred to are the following:—Grand-parents, parents, widows, brothers, sisters, sons whether natural born or adopted, daughters, nephews, nieces, and grand-children.

CONDITION VII.

Nazrana on succession shall be paid by the Istimrardar succeeding, in accordance with the following rules:—

- (a) Nazrana shall not be taken on successions in the direct line, as for example when a natural born son succeeds his father or a grandson his grand-father; nor on collateral successions, when the person succeeding is a brother, or descended in the direct line from a brother.
- (b) Where a paternal uncle succeeds, Nazrana of half a year's revenue shall be taken.
- (c) In all other cases, except that of an adopted son being the nephew of his adoptive father, a Nazrana of a year's revenue shall be taken.

Land and Revenue]

- (d) The Nazrana may be paid in such instalments within such period, not exceeding four years, as the Chief Commissioner or other principal officer charged with the administration of Ajmere may direct.
- (e) Notwithstanding anything herein-before contained, Nazrana shall not be taken in any case in which the succession shall have occurred within one year next after a succession on which Nazrana shall have been taken.
- (f) If the succession shall have occurred within four years after a succession on which Nazrana shall have been taken, the Nazrana shall be remitted to such amount, not exceeding three-fourths, as may be directed by the Chief Commissioner or other principal officer charged with the administration of Ajmere.

CONDITION VIII.

The Istimrardar for the time being shall not, except under the law for the time being in force relative to the acquisition of land for public purposes, alienate his estates or any portion thereof by sale, gift, or otherwise, and he shall not, except by way of giving security for an advance under the Land Improvement Act 1871, or other law for the time being in force relative to the advances of money by Government for agricultural improvement, alienate or charge his estates or any portion thereof by lease, mortgage, or otherwise for any term extending beyond his own life.

CONDITION IX.

He shall respect and protect the rights of his tenants and cultivators, and shall exert himself to the utmost to improve and extend the cultivation of his estates

CONDITION X.

He shall furnish to the Commissioner all statistics and information for which he, under the orders of Government, may call, and shall keep up such establishments as may be declared necessary for the preparation of such statistics, or for the supply of such information

(Land and Revenue.

CONDITION XI.

He shall report all crime occurring on his estates, and assist in its detection, or repression, in such way as he may be directed ; he shall not harbour offenders within his estates, and he shall use his best endeavours to preserve order and prevent crime, and whenever called on by the officers of Government for assistance he shall render every aid, and assistance in his power.

Dated this _____ in the year of our Lord _____

Given under my hand and seal, and under the sanction and authority of the Viceroy and Governor-General in Council.

*Chief Commissioner
of Ajmere-Merwara.*

SCHEDULE A.

Name of Villages, according to the Revenue Survey book, referred to in Condition I.

SCHEDULE B.

Instalments and dates on which they fall due referred to in Condition II.

Khariif, 1st January Rs.

Rabi, 1st July " _____

NOTE.—The Government of India have ruled that the term "revenue," as used in condition VII of the Istimrar-i-Sanad means the net income of the estate, that is, the gross receipts less the tribute (*Mamla Sarkari*) payable to Government. File letter No. 29 I, dated the 4th January 1895, of the Government of India in the Foreign Department, to the address of the Chief Commissioner, Ajmere Merwara, in connection with the Pipalaj succession case.

[Land and Revenue.]

FORM OF SANAD GIVEN TO BHUMIAS.

Whereas the Governor-General of India in Council has been pleased to declare the lands specified in the Schedule hereto annexed to be Bhum, and to recognize you _____ as Bhumias of the village of _____ in the district of Ajmere, within which the aforesaid lands are situated, therefore this Sanad is granted to set forth the conditions, in consideration of the true and faithful observance and fulfilment of which the Estate and possession which you have in the said Bhum is confirmed to you and your respective heirs and representatives, hereinafter described, as "the Bhumias of _____ for the time being."

CONDITION I.

The Bhumias of _____ for the time being shall at all time remain faithful in their allegiance to Her Majesty Queen Victoria, her heirs and successors, and obedient to the laws for the time being in force.

CONDITION II.

Whenever the District Officer of Ajmere or any officer duly authorized by him shall summon the Bhumias of _____ for the time being to suppress riots, or to pursue dacoits and rebels, or for any other purpose connected with the maintenance of the public peace, _____ of the said Bhumias shall attend at the time and place mentioned in the summons, each duly armed with a sword and serviceable gun, and mounted on a serviceable horse.

CONDITION III.

One of the Bhumias of _____ for the time being, equipped in the manner described in the preceding condition, shall present himself to the District Officer of Ajmere at noon on the Queen's Birthday, in each year, and shall then present to the District Officer a single Nazrana of rupees _____ on account of the whole of the lands specified in the Schedule hereto annexed.

CONDITION IV.

The Bhumias of _____ for the time being shall not, except in the manner hereinafter provided, alienate or charge their lands or for public purposes, conjointly or severally alienate or charge their lands or

[Land and Revenue.

any portion thereof by sale, gift, lease, mortgage or otherwise, except to or in favor of one or more of the said Bhumias.

CONDITION V.

If any of the Bhumias of _____ for the time being fail truly and faithfully to observe and fulfil any of the preceding conditions, the District Officer of Ajmere may—

(a) Enter upon the land and either rescind the grant, or by remaining in possession suspend the enjoyment thereof for such time as he may deem fit, or

(b) Assess the Land to land Revenue.

Provided that the District Officer may in any case in which he deems fit offer to the Bhumias the option of paying a pecuniary penalty of such amount as he may determine, and in the event of such penalty being paid within such time as he may allow, he shall not proceed against the land under Clause (a) or Clause (b) of this condition.

CONDITION VI.

If the land is assessed to Revenue or temporarily taken possession of by the District Officer under Condition V, the Bhumias of _____ for the time being shall during the time it is under assessment, or in the possession of the District Officer, be relieved from conditions II and III preceding.

CONDITION VII.

If any question arises as to whether any of the preceding conditions has been truly and faithfully observed and fulfilled, the decision thereon of the Chief Commissioner or other principal officer charged with the administration of Ajmere, shall be final.

Dated _____ in the year of our Lord _____

Given under any hand and seal and under the sanction and authority of the Governor-General of India in Council.

Commissioner of Ajmere.

SCHEDULE.

"We the undersigned for ourselves and our heirs and representatives accept the above Sanad, and agree to hold the Bhum therein mentioned on the terms therein stated."

FORM OF SANAD GIVEN TO ZAILDARS.

Granted to _____ son of _____ Caste _____

Since with the sanction of Government you have been appointed a Zaildar, for the term of the present Settlement, this Sanad is granted to you.

1st.—Your circle shall consist of the villages mentioned in the Schedule.

2nd.—You will receive yearly from Government Rs. _____, being one per cent. on the Revenue of the villages in your circle.

3rd.—It shall be your duty to keep yourself thoroughly informed of the state of villages in your circle, to communicate information on all matters of interest connected with these villages to the Deputy Commissioner, to inform him of the resort of bad characters in your circle, and to attend on him during his annual tour. You will admonish the *Patels* and *Lambardars* to collect the Revenue, and will see that the *Patwaris* prepare the necessary papers for collection.

4th.—You shall not interfere directly with collections, but shall work through the *Patels* and *Lambardars*.

5th.—You shall endeavour to adjust differences, you shall take nothing without payment from any of the villages in your circle, and you shall uprightly and without partiality exert yourself for the good of the villages, and so far as in you lies for the due administration of the District.

SCHEDULE.

FORM OF SANAD GIVEN TO PATELS.

Since you have with the sanction of Government been appointed a *Patel* in *Mauzah* _____ *Tehsil* _____ *Zilah*, Ajmere, for the term of the present Settlement, this Sanad is granted to you.

1st.—You will pay Revenue on your individual holding or share of a holding at a privileged rate.

2nd.—It shall be your duty to collect from your constituents the Revenue due on their holdings, and pay the sum into the Treasury on or before the date fixed. You shall wrong no man nor unduly favor any, but shall collect from each that which is due. If at any time negligence in collection is proved you shall be liable to a fine of the whole or a portion of the amount now remitted to you on your holding

3rd.—You shall keep an honest and true account of any common receipts and expenditure over which you have charge, and shall cause the *Patwari* to transcribe it.

Land and Revenue]

Orders by the Chief Commissioner of Ajmer & Merwara.

No. 362 iv, D tel Abu, 26th January 1892.

READ—

Section 106 of the Ajmere Land and Revenue Regulation II of 1877, regarding the erection and repair of Boundary marks.

READ—

Section 434 Indian Penal Code, prescribing the punishment to be awarded for mischief by destroying or moving, &c., a landmark fixed by public authority.

READ—

Correspondence connected with the same subject ending with Circular No. 519-J², dated 10th March, 1892, issued by the Secretary to the Government of India in the Revenue and Agricultural Department.

READ—

Rules 45 (f) 47 c (c) and 48 (e) of the Revenue Rules issued under Chief Commissioner's Notification No. 119, dated 6th February 1889, defining the duties of Lambardars, Patwaris and Girdawars regarding the preservation of Boundary and Survey marks.

RESOLUTION.—Rules have already been framed for the preservation of Traverse Survey and Boundary marks, in the Ajmere and Merwara District, and each Wajib-ul-arz contains a clause providing for the restoration of Boundary, Survey and Plot marks at the cost of the Shamlat. It is, however, desirable that the rules in connection with this subject should be more clearly defined and formulated. The following rules are accordingly published for general information and guidance:—

1. The Assistant Commissioner will be responsible that the map supplied to each village by the Survey Department, showing the position of all the Survey marks within the village boundaries, is duly preserved.

[Land and Revenue.

2. All *officers connected with the Land-Revenue Administration will

- | | |
|--|--|
| (1) * Revenue Extra Assistant Com-
missioner. | take the opportunity afforded by their usual |
| (2) Tehsildar. | tours to inspect the marks shown on the |
| (3) Naib Tehsildar. | village maps. |
| (4) Girdawar. | |

3. The Patels and Lambardars of each village are primarily responsible for reporting to the Patwari of their circle the destruction, or removal of, or injury to, any boundary or other marks erected within the village limits by order of Government.

The other proprietors of the village shall be bound to report to the Patels and Lambardars the destruction, or removal of, or injury to, any such marks should it come to their knowledge.

On failure of the Patels, Lambardars, or other proprietors of a village to report the destruction, or removal of, or injury to, any such mark, they will be liable to a fine not exceeding Rs. 10, which will be recovered as arrears of Land Revenue.

4. In cases where any mark made by the Survey party to facilitate drawing boundary lines has been accidentally damaged, it shall be restored at the joint expense of the villages within which it is situated; but if it is proved that a particular person has purposely damaged or destroyed a mark it shall be restored at his sole cost, and he shall be liable to prosecution under section 434 of the Indian Penal Code.

5. The village community is responsible for the preservation of Plot marks made for Field Survey. The cost of repairing such marks shall be defrayed by the person proved to have injured it; but if it be accidentally injured the cost shall be defrayed by the Shamlat.

6. A Revenue Officer may, by a notice in writing, require any person liable for the revenue of any land, or entitled to hold such land free of revenue, to erect boundary marks sufficient for defining the limits of such land, or to repair any such boundary marks already existing; and if such person fails to comply with his requisition within a period to be specified in such notice, may cause the work to be done, and recover the cost thereof as if it were an arrear of revenue due in respect of such land.

7. Any injury to Survey marks within the Forest areas, and the cause thereof so far as can be ascertained, will be reported by the Forest Guard in charge of the beat to the Forester of his circle, who after verifying the

Land and Revenue.]

correctness of the statement will immediately report the facts to the Forest Ranger, or in his absence to the Extra Assistant Conservator of Forests. The Extra Assistant Conservator of Forests will submit a report on the condition of the marks in the Forest areas within his jurisdiction to the Assistant Commissioner concerned on the 1st of March every year, and any requisite repairs will be executed through the Forest Department at the expense of the Shamlat or Government as may be decided, after considering the circumstances of the case.

8. Each Patwari will, at the time of Girdawari, inspect all the marks within the limits of the village, and will submit a report as to their condition. He will correct in pencil any error he may find in the village map in regard to the Survey mark, after making a note thereof in the Khasra, and report the same to the Girdawar.

This report, after being verified by the Girdawar of the circle, shall be embodied in a general report to be prepared by that official for his circle.

9. The Girdawar will submit his report by the 1st March every year to the Tehsildar, who after satisfying himself of its correctness, will incorporate it in his report for submission by the 15th March to the Revenue Extra Assistant Commissioner. The latter officer will submit the report with his remarks and recommendations to the Assistant Commissioner by the 20th March.

10. The Collector will specially notice the condition of the Survey and Boundary marks in a separate paragraph of his Annual Revenue Administration Report.

ORDER.—Ordered that this Resolution be communicated to all the Revenue Officers in Ajmere and Merwara, and that translations in Urdu and Hindi be freely distributed to Patels, Lambardars, Patwaris, Supervisors and others concerned, for information and guidance.

Ordered also, that copies of the Resolution be submitted for the information of the Government of India in the Revenue and Agricultural Department, with reference to their Circular No. 213612, dated the 10th March 1892

RULES FOR THE CONDUCT OF EXPERIMENTAL CROP-CUTTINGS IN AJMERE-MERWARA.

(Sanctioned in Chief Commissioner's letter No. 1131² dated 23rd Sept. 1893.)

Assistant Commissioners are expected to arrange for the making each year of from 10 to 15 crop experiments, by themselves or the Revenue Extra Assistant Commissioner, in respect of the following four crops. After crops shall be experimented with as well as sole crops.

Kharif.				Rabi.
Cotton	...	...	..	Barley.
Jowar	...	...	...
Maize	...	...	...

2. By far the most important part of the experiment is the selection of the field to be cut, which should be representative of as large an area as possible, and should not be in appearance either above or below the average for the season on its class of land. The value of each experiment depends on the extent to which its results are typical, and care should be taken to ensure that each crop cut is of about the average for its class. If for instance a barley field of *chahi* land is selected, its crop should be fairly representative of the season's barley crop on *chahi* land. In cases where a whole field conveniently situated cannot be found bearing a representative crop, it will generally be possible to select a portion of a field as typical of the season.

3. Experiments are not ordinarily to be made by officers of a lower rank than the Revenue Extra Assistant Commissioner. When it is proposed to employ an officer of lower rank, the previous sanction of the Commissioner must be obtained. The Patwari and Girdawar of the circle must invariably be present during the conduct of a crop experiment, to supply all necessary information regarding land classification, rent, &c., and furnish any survey appliances which may be required.

4. Except in the case of cotton, the area cut should be invariably one-tenth of an acre, that is to say a square chain which can be easily laid out on

Land and Revenue.]

the ground with a chain and cross-staff. In the case of a cotton crop the area selected for the first picking must be such as can be easily identified at the time of the subsequent pickings, and should be carefully marked on the ground when the area experimented with is not marked off as one-tenth of an acre. It should of course be measured at the time of experiment and its area (in acres) be calculated.

5. It is essential that the whole of the harvesting operations be conducted in the presence of the officer experimenting, and the crop must not therefore, be cut till completely ripe, when it can be threshed out by manual labor without much difficulty.

6. In the case of cotton the instruction of the preceding paragraph may be relaxed, and if the first picking has been conducted in the presence of the officer initiating the experiment, subsequent pickings may be carried out in the presence of another officer, whose grade should, however, not be below that of Girdawar.

7. The out-turn or yield given should be in all cases that of the main product of the crop (*e.g.*, grain, whether husked or unhusked, as distinct from straw, and cleaned cotton as distinct from cotton seeds.) If any estimate can be made of the out-turn of bye products, (*e.g.*, straw and fodder) their weight should be entered in the return below the estimate of the main product, but if the weightment of the bye-products occasions much trouble they can be disregarded.

8. The out-turn must invariably be returned by weight as calculated by the use of steel-yards supplied by the Commissioner.

9. The out-turn must be reduced to its ordinary marketable form before weightment. An accurate description of the actual product which was weighed should be given in every instance.

10. The cultivator whose crop is cut should not be allowed to suffer any loss by the experiment, and the whole of the produce should be made over to him. It may on occasion be well to make him a small present by way of compensation for any trouble which the cutting may have occasioned him, or by way of acknowledgment of any assistance he may have rendered.

11. The results of the experiment should be reported to the Commissioner by the 1st of June of each year in the form appended.

12. The cost of conducting these experiments should be trifling. Funds to meet it can, if necessary, be allotted by the Commissioner.

LAND IMPROVEMENT LOANS ACT No. XIX of 1883.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor-General on the 12th October, 1883)

An Act to consolidate and amend the law relating to loans of money by the Government for agricultural improvements.

Whereas it is expedient to consolidate and amend the law relating to loans of money by the Government for agricultural improvements; It is hereby enacted as follows:—

1. (1) This Act may be called the Land Improvement Loans Act, 1883. Short title.

(2) It extends to the whole of British India, but shall not come into force in any part of British India until such date as the Local Government, with the previous sanction of the Governor-General in Council, may, by notification in the local official Gazette, appoint in this behalf. Local extent. Commence-ment.

2. (1) The Land Improvement Act, 1871, and Act XXI of 1876 (*An Act to amend the Land Improvement Act, 1871*), shall, except as regards the recovery of advances made before this Act comes into force and costs incurred by the Government in respect of such advances, be repealed. Acts XXVI of 1871 and XXI of 1876 repealed.

(2) When in any Act, Regulation or Notification, passed or issued before this Act comes into force, reference is made to either of those Acts, the reference shall, so far as may be practicable, be read as applying to this Act or the corresponding part of this Act.

3. In this Act, "Collector" means the Collector of land-revenue of a district, or the Deputy Commissioner, or any officer empowered by the Local Government by name or by virtue of his office to discharge the functions of a Collector under this Act. "Collector" defined.

4. (1) Subject to such rules as may be made under section 10, loans may be granted under this Act, by such officer as may, from time to time, be empowered in this behalf by the Local Government, for the purpose of making any improvement, to any person having a right to make that improvement, or, with the consent of that person, to any other person. Purposes for which loans may be granted under this Act.

Land Improvement Loans.]

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely :—

- (a) The construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture ;
- (b) The preparation of land for irrigation ;
- (c) The drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste land which is culturable ;
- (d) The reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes ;
- (e) The renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto ; and
- (f) Such other works as the Local Government, with the previous sanction of the Governor-General in Council, may, from time to time, by notification in the local official Gazette, declare to be improvements for the purposes of this Act.

of dealing with applications for loans.

5 (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the Local Government may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein, and submit their objections.

(2) The officer shall consider every objection submitted under subsection (1), and make an order in writing either admitting or overruling it :

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

period for repayment of loans.

6 (1) Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise), within such period from the date of the actual advance of the loan, or, when the loan is advanced in

[Land Improvement Loans.]

instalments, from the date of the actual advance of the last instalment, as may, from time to time, be fixed by the rules made under this Act.

(2) The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

(3) The Local Government and Governor-General in Council, in making and sanctioning the rules fixing the period, shall, in considering whether the period should extend to thirty-five years, or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

7. (1) Subject to such rules as may be made under section 10 all loans granted under this Act, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely:—

Recovery
loans.

- (a) From the borrower—as if they were arrears of land-revenue due by him,
- (b) From his surety (if any)—as if they were arrears of land-revenue due by him;
- (c) Out of the land for the benefit of which the loan has been granted—as if they were arrears of land-revenue due in respect of that land,
- (d) Out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due:

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from

Land Improvement Loans.]

a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

Order grant-
ing loan
conclusive
in certain
points.

8 A written order under the hand of an officer empowered to make loans under this Act granting a loan to, or with the consent of, a person mentioned therein, for the purpose of carrying out a work described therein, for the benefit of land specified therein, shall, for the purposes of this Act, be conclusive evidence:—

- (a) That the work described is an improvement within the meaning of this Act;
- (b) That the person mentioned had at the date of the order a right to make such an improvement; and
- (c) That the improvement is one benefiting the land specified.

Liability of
joint borrow-
ers as among
themselves

9. When a loan is made under this Act to the members of a village-community or to any other persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

Power to
make rules.

10. The Local Government, with the previous sanction of the Governor-General in Council, may, from time to time, by notification in the local official Gazette, make rules consistent with this Act to provide for the following matters, namely:—

- (a) The manner of making applications for loans;
- (b) The officers by whom loans may be granted;
- (c) The manner of conducting inquiries relative to applications for loans, and the powers to be exercised by officers conducting those inquiries;

[Land Improvement Loans.]

- (d) The nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) The inspection of works for which loans have been granted;
- (f) The instalments by which, and the mode in which, loans, the interest to be charged on them, and the costs incurred in the making thereof, shall be paid;
- (g) The manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same, and
- (h) All other matters pertaining to the working of the Act.

11. When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land: Exemption of improvements from assessment to land revenue.

Provided as follows:—

(1) Where the improvement consists of the reclamation of waste land, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the Local Government, with the approval of the Governor-General in Council

(2) Nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Act had not been passed

12 (1) In the Indian Registration Act, 1877, section 17, clause (l), for the word "certificates" the words "orders granting loans" shall be substituted Act III of 1887 amend- ed.

(2) In the same Act, section 58, for the words "a certificate" the words "and order" shall be substituted.

(3) In the same Act, section 89, first clause,—

(a) For the words "a certificate" the words "a loan," and

(b) For the words "such certificate" the words "his order," shall be substituted.

Land Improvement Loans.]

[¹] No. 670, dated the 4th November 1877.

The Officiating Chief Commissioner of Ajmere-Merwara is pleased to authorise the Assistant Commissioners of Ajmere and Merwara to exercise the powers of a Collector, under Act XXVI of 1871 (Land Improvement Act []) within their respective jurisdictions.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

[³] No 273-115-II,—*Abu, the 20th March 1886.*

In exercise of the powers conferred by Section 5, Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Ajmere-Merwara is pleased, with the previous sanction of the Governor-General in Council, to extend Act XIX of 1883 (the Land Improvement Loans Act) to the Scheduled District of Ajmere-Merwara, with effect from the 1st of January 1886 [⁴]

NOTIFICATION.

[⁵] No 568C—115-II.—*Camp Ulwar, the 5th February 1892.*

In supersession of the rules published in this office Notification No. 273 -115-II, dated the 20th March 1886, the Chief Commissioner, with the previous sanction of the Governor-General in Council, is pleased to make the following rules under the Land Improvement Loans Act 1883, Section 10 :—

I.—The Chief Commissioner will inform the Commissioner of Ajmere what amount will be placed at his disposal for loans under the Act for each financial year. The Commissioner will divide the sum between Ajmere and

[1] See Rajputana Official Gazette, dated 24th November 1877, page 265.

[2] The reference is to be read as applying to Act XIX of 1883. See Sec. 2 of this Act.

[3] See Gazette of India part II for 1886, p. 157.

[4] The Rules published under this Notification have been superseded by those published under Notification No. 568 115-II, dated 5th February 1892, printed *infra*.

[5] Vide Gazette of India part II for 1892, page 92.

[Land Improvement Loans.

Merwara at his discretion, and may transfer for expenditure in either of the tracts any part of the amount allotted by him for expenditure in the other. But the total expenditure in the two tracts must be kept within the amount assigned by the Chief Commissioner. If an additional grant is required, application should at once be made for it.

II.—Subject to the provisions of these rules and within the limits of the funds allotted to them for the purpose, any Assistant Commissioner specially empowered by the Chief Commissioner in this behalf may grant loans not exceeding Rs. 500 for any one improvement for purposes specified in the Act. Loans exceeding Rs. 500 for any one work require the sanction of the Commissioner, and loans exceeding Rs. 5,000 the sanction of the Chief Commissioner. The Commissioner or Chief Commissioner may call for such detailed plans and estimates or such professional opinion with respect to a project as may seem necessary.

III.—An application for a loan may be made to any revenue officer of or above the rank of a Naib Tehsildar.

IV.—The application, if made in writing, should be as nearly as possible in Form A. If an oral application is made, the officer to whom it is made shall cause it to be recorded as nearly as possible in that form.

V.—In respect of every application made under rule III, an enquiry shall be made by a revenue officer not below the rank of a Naib Tehsildar or Supervising Kanungo for the purpose of ascertaining the particulars mentioned on the reverse of Form A. If, in the opinion of the Assistant Commissioner, Revenue Extra Assistant Commissioner or Tehsildar, it is expedient that public notice of the application should be given under section 5 of the Act, he will publish a notice thereof by fixing it up in a conspicuous place in the village, or in each village, which will be affected by the proposed improvement.

VI.—When the value of the applicant's interest in the land to be improved is sufficient to cover the loan, collateral security need not be required. Personal security may be accepted (a) when the sureties are a body of the village residents who bind themselves jointly and severally to the Government for the payment of the whole amount payable in respect of the loan, (b) in special cases, where the Commissioner or Assistant Commissioner, for reasons to be recorded by him in writing, thinks it desirable. Moveable property should rarely be accepted as security.

Land Improvement Loans.]

VII.—The date for the repayment of the first instalment shall be fixed with reference to the time when the improvement will begin to yield a return.

VIII. The date for the repayment of the last instalment shall not, without the sanction of the Chief Commissioner, exceed fifteen years from the date on which the loan, or the last instalment of it, was advanced. The amount of the instalments shall be fixed with reference to the annual profit likely to accrue from the improvement.

IX.—If the Chief Commissioner has prescribed tables consolidating principal and interest in instalments, the repayment of the loan shall be arranged in accordance with those tables. If such tables have not been prescribed, the instalments of principal may be so arranged as to increase approximately in proportion as the charge for interest decreases.

X.—On completion of the enquiry and verification of the security, the officer to whom the application was made may sanction the loan himself if empowered to do so, otherwise he shall forward the application with his report, through such channel as the Chief Commissioner may prescribe, to the officer who is empowered to sanction the loan.

XI.—An order granting a loan shall be in Form B hereto annexed, and shall be signed by the applicant in token that he understands and agrees to the conditions contained therein. When the sureties (if any) whom the applicant is required to furnish give personal security only, the bond to be executed by them shall be in Form C hereto annexed. When immoveable property is required to be given as collateral security, the security bond shall be in Form D hereto annexed.

XII.—A copy of the order shall be given to the applicant, and payment of the loan, or, where the loan is advanced in instalments, of each instalment of the loan, shall be made at the treasury on its presentation. The Treasury Officer shall send the Tehsildar immediate notice of all payments made.

XIII.—(a) The rate of interest shall be one anna in the rupee, or 6½ per cent per annum.

[Land Improvement Loans.]

(b) But the Chief Commissioner may for special reasons sanction a loan at a lower rate of interest or without interest.

(c) If an instalment of principal is not paid when it falls due, the Commissioner may, if he thinks fit, charge interest on it at any rate not exceeding $6\frac{1}{2}$ per cent per annum, from the date of its falling due to the date of payment.

XIV.—The dates for repayment of instalments of a loan should usually be the dates fixed for payment of instalments of land revenue.

XV.—Instalments may be suspended by order and at the discretion of the Commissioner on proof of failure of crops or other exceptional calamity

XVI.—When any portion of a loan made under these rules is found to be irrecoverable, special report shall be made to the Chief Commissioner.

XVII.—Any revenue officer not inferior in rank to a Naib Tehsildar may at any time enter on and inspect any land for the benefit of which a loan has been granted, and any work in progress thereon, or direct any patwari or other subordinate revenue official to inspect such land or work

XVIII.—As soon as may be after a loan has been granted, the officer or authority granting it shall cause the patwari of the circle in which the land to be improved is situated to copy into his *roznamcha* so much of the order granting the loan as relates to the amount of the loan, the manner in which the loan is to be advanced, the nature of the improvement for the purpose of which it has been granted, and the time or times by which the whole or parts of the improvement is or are to be completed.

XIX.—At such intervals as the Chief Commissioner may by general order prescribe in this behalf, the patwari shall submit, through the Supervising Kanungo, the Tehsildar, and the Assistant Commissioner, to the Commissioner a report as to the expenditure of the loan and the progress of the work for the purpose of which the loan was granted

XX.—The Chief Commissioner shall regulate the forms of all returns registers, and accounts relating to advances under the Act.

Land Improvement Loans.]

A

Form of Application.

Name, residence, etc., of Applicant.	Amount of loan required.	Nature of security offered.	Nature of proposed improvement.	Situation of the land.	Applicant's rights in the land.	Proposed dates of repayment.

Applicant's Signature.

NOTE—

- (1) The State will advance money to landlords and cultivators for the construction of wells or tanks, the reclamation of waste, or any work by which the value of the land will be permanently increased.
- (2) Application for a loan may be made to the Tehsildar or Naib Tehsildar in the above form, free of stamp-duty.
- (3) The rate of interest will be one pie per rupee per month (i. e., $6\frac{1}{2}$ per cent. per annum), and instalments will be distributed over a number of years.
- (4) If the value of the applicant's interest in the land to be improved is sufficient to cover the loan, collateral security will not ordinarily be required. When collateral security is required, (a) the personal security of a body of village residents, jointly and severally bound to the Government for the payment of the whole amount payable in respect of the loan, or (b) any other approved personal security, or (c) a mortgage of immovable property, will be accepted.

Particulars to be filled in by Inspecting Officers.

(REVERSE OF FORM A.)

I.—Mahal and the field number and area of the land to be improved.

II.—Status of applicant, that is to say, proprietor or tenant. If a tenant, and the landlord's consent is required, whether the landlord consents.*

III.—Security—

- (1) If the land itself or an interest therein, the value of land, or the nature and value of the interest, as the case may be.

* When the loan is applied for by a person who has not the right to make the improvement, the person having that right should give in writing the consent required by section 4 of the Act, and the record of his consent should be signed by him and attested by at least two witnesses.

[Land Improvement Loans.]

- (2) If personal, the names and status of the sureties.
- (3) If property other than the land itself or an interest therein, the nature of the property, the pre-existing encumbrances (if any) thereon, and its value.

IV.—The improvement—

- (1) Its estimated utility and value.
- (2) Objections, if any, of third parties.
- (3) Date on which it will begin to yield profit.

V.—Repayment—

- (1) Suitable date for first instalment, with reference to IV (3).
- (2) Proposed instalments and period of repayment.

VI.—Date or dates on which the loan or instalments of it should be received by the applicant.

Recommendations of Inspecting Officer after verification of the above in the registration and revenue offices of the tehsil.

FORM B.

Order granting a loan under the Land Improvement Loans Act, 1883.

*To be inserted when the person to whom the loan is made has no right to make the improvement without the consent of another person.

I. The sum of R. _____ is hereby granted to A B, son of [* with the consent of C D

_____, the record whereof is hereto annexed] as a loan under the Land Improvement Loans Act, 1883, for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) subject to the following conditions :—

2. The conditions referred to are as follows :—

- (a) That the amount of this loan shall be paid to the aforesaid A B on the production of this order at the treasury of _____ † in the instalments and on the dates specified below —

† To be inserted only when the loan is payable in instalments.

Dates.

Instalments.

Land Improvement Loans.]

- (b) That the amount of this loan, with interest chargeable thereon and costs (if any) incurred in the making thereof, shall be repayable to the person named, and at the place, on the dates, and by the amounts specified below :—

Name.	Place.	Date	Principal.	Interest.	Costs (if any).	Total.
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- (c) That this loan shall be applied solely to the purpose specified above, and that if it shall be proved to the satisfaction of the Commissioner that any part of the loan has been misapplied, the whole amount of the loan shall, with such interest as may have become due thereon, as well as costs (if any), be deemed to at once become due.

These clauses to be used only when needed

- (d) That unless (*here enter any conditions as to the period or periods appointed for commencing or completing the work*) has been commenced by (date) or completed by (date)—(as the case may be)—the loan shall be held to have been misapplied.
- (e) That for the repayment of the loan with interest and costs (if any) due on the same, the immoveable property specified in the margin is in addition to the land for the benefit of which the loan is granted, hypothecated as collateral security to the Government.

Note—All immoveable property hypothecated as collateral security, whether by the borrower himself or by a surety or sureties, should be specified in the margin of this clause of the order granting the loan, and should as well as the land to be improved, be described as nearly as may be in the manner prescribed in section 21 of the Indian Registration Act, 1877.

Signature of the Officer granting the loan.

I have understood and agreed to the aforesaid terms and conditions

Signature of the person to whom the loan is granted

FORM C.

Security bond to be used when the surety or sureties gives or give personal security only.

Whereas _____ has on _____ received from the (*here enter name of officer*) an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate

[Land Improvement Loans.

sum of rupees as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*) we (or I) hereby agree that if the said

shall fail to repay any instalment of the said loan, or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, we (or I) will be jointly and severally liable to the Government for such sum not exceeding

as may be necessary to make good the amount which in consequence of his default he may have become liable to pay.

FORM D.

Security bond to be used when immoveable property is given as collateral security.

Whereas has received from the [*here enter name of officer*] an order under the Land Improvement Loans Act, 1883, in virtue of which he is entitled to receive the aggregate sum of rupees as a loan from the Government for the purpose of (*here describe the work to be carried out*) for the benefit of (*here describe the land to be benefited*), and whereas collateral security for the punctual repayment of the loan according to the terms of the order is demanded from the said

*To be used when the collateral security is the property of the borrower. *I the said (or † I the said and we or † we) mortgage to the Government the immoveable property mentioned in the schedule below as a collateral security, and agree that if I fail (or the said fails) to repay any instalment of the said loan or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, it shall be lawful for the Collector to recover from the said property such sum as may be necessary to make good the amount which in consequence of my (or the said's) default may be due, from me (or him).

†To be used when the collateral security belongs wholly to persons other than the borrower.

Land Improvement Loans.]

NOTIFICATIONS.

[1] No. 858-115-II, Abu, the 9th August 1886.

Orders by the Chief Commissioner of Ajmere-Merwara with regard to the procedure to be adopted under Nos. X, XIX and XX of the Rules framed under Act XIX of 1883 (Land Improvement Loans) published in part II of the *Gazette of India* under Notification No. 273-115-II, dated 20th March 1886:—[2]

1. Under Rule X the officer to whom an application is made shall forward it with his report to the Commissioner, through the Assistant Commissioner of the District in which is situate the land on which the proposed work is desired to be executed.

2. The report required from the Patwari under Rule XIX shall be submitted half-yearly after being countersigned by the Tehsildar in proof of its correctness.

3. Under Rule XX the following printed and bound registers shall be kept in the forms annexed:—

(i) Register of applications for loans.

To be kept by all Revenue officers of and above the rank of Tehsildar.

(ii) Register of accounts of loans and repayments.

To be kept:—

(a) For the entire Commissionership by the Sadar wasilbaqi-navis;

(b) For each Tehsil by the wasilbaqi-navis, the Tehsildar being responsible for all entries being duly made. At the time of making the khatauni of each village the wasilbaqi-navis shall be responsible to the Tehsildar that the demand is entered in its proper column.

Each work for which a separate loan is granted shall be entered on a separate page in the register.

(iii) Register of receipts to be given on repayment of loans or instalments.

[1] Gazette of India for 1886, Part II, page 491.

[2] Superseded by No. 558C-115-II, dated 5th February 1892, printed *supra* p. 714.

[Land Improvement Loans.]

To be kept by Tehsildars, who shall give the receipts at the time of repayment.

The number of the receipt shall be entered in column 20 of Register II.

(iv) Register of half-yearly accounts.

To be kept at each Tehsil : a copy of these accounts for each work on account of which a loan has been granted, shall be submitted to the Assistant Commissioner of the District in which the work is situate, and shall be filed in his office.

(v) Register containing an abstract of half-yearly accounts (by Tehsils and Districts).

To be kept by each Tehsildar, who shall submit to the Assistant Commissioner of his District a copy of the abstract of the accounts for his whole Tehsil.

Each Assistant Commissioner shall submit to the Commissioner a similar abstract for the whole of his District.

(vi) Register containing an annual statement of loans and repayments.

Copy to be submitted by the Commissioner to the Chief Commissioner with the annual report.

Land Improvement Loans.]

REGISTER I.

(PRESCRIBED BY CHIEF COMMISSIONER'S ORDER No. 858-115-II, DATED 9TH AUGUST 1886.)

Register of applications for loans under the Land Improvement Loans Act, XIX of 1883.

(To be kept by all Revenue Officers of and above the rank of Tehsildar.)

1	Serial Number.	2	Name of applicant with caste and percentage.	3	Residence showing Village, Tehsil, and District.	4	Name of Village, Tehsil and District in which the land to be improved is situated	5	Description of land to be improved.	6	Nature and description of security offered.	7	Date of receipt of application	NUMBER AND DATE OF ORDER		Amount sanctioned and when payable in lump or in instalments.		DATES AND AMOUNTS OF REPAYMENTS OF					Serial No. in Register II	REMARKS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
														Sanctioning loan.	Refusing loan.		First instalment (including interest).	Last instalment (including interest).																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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Land Improvement Loans.]

REGISTER III.

(Prescribed by Chief Commissioner's Order No. 858-115-II, dated 9th August 1886.)

Register of receipts to be given on repayments of loans or instalments under the Land Improvement Loans Act, XIX of 1883.

No. _____ Dated _____ 18__

Received from *

the sum of Rupees _____ annas _____ and pies _____ only, being

the _____ th instalment towards repayment of the loan granted for + _____

R. _____
 { Principal R. _____
 Interest R. _____

TOTAL AMOUNT RECEIVED TO DATE, } R. _____
 INCLUDING PRESENT PAYMENT. }

* Enter name and number in Register II. + Enter nature and situation of work. Tehsildar.

(Counterfoil). REGISTER III.

(Prescribed by Chief Commissioner's Order No. 858-115-II; dated 9th August 1886.)

Register of receipts to be given on repayments of loans or instalments under the Land Improvement Loans Act, XIX of 1883.

(To be kept by Tehsildars.)

No. _____

Date _____ 18__

Received from *

Amount R. _____
 { Principal R. _____
 Interest R. _____

No. of instalment _____

Situation of work to which this relates _____

TOTAL AMOUNT RECEIVED TO DATE, } R. _____
 INCLUDING PRESENT PAYMENT. }

* Enter name and number in Register II. Tehsildar.

REGISTER IV.

(PRESCRIBED BY CHIEF COMMISSIONER'S ORDER NO. 858-115-II, DATED 9TH AUGUST 1886.)

Register of half yearly accounts of loans granted under the Land Improvement Loans Act, XIX of 1883, for half-year ending on _____ 18.

(To be kept at each Tehsil. A copy of these accounts for each work for which a loan has been granted to be submitted to the Asstt. Comr.)

Serial Number.	Name of village of person to whom loan is granted.	Name, caste, and percentage of such person.	No. in Register II.	Nature and situation of work.	Nature of security given.	No. and date of order sanctioning loan.	Total amount sanctioned.	Total amount advanced to end of half year ending 18.	Amount to be advanced during present half-year ending 18.	REPAYMENTS.														REMARKS.		
										Total amount that should have been repaid up to end of half year ending 18.				Total amount repaid up to end of half year ending 18.				Balance due at end of half year, not including interest, i.e., difference of columns 11 & 12.	Balance due at end of half year, including interest, i.e., difference of columns 13 and 16.	Amount repayable during present half-year ending 18.						
										Principal.	Interest.	Total.	Principal.	Interest.	Total.	Principal.	Interest.			Total.	Principal.	Interest.	Total.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25		
							R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R			

Tehsil,

Dated

Tehsildar.

[Land Improvement Loans.]

REGISTER VI.

(PRESCRIBED BY CHIEF COMMISSIONER'S ORDER No. 858-115-II, DATED 9TH AUGUST 1886.)
Annual Statement of loans and repayments under the Land Improvement Loans Act, XIX of 1883, for the year ending
 18 -18 .
 (To be submitted by Commissioner to the Chief Commissioner with the Annual Report.)

DISTRICT.	Total amount advanced in previous years commencing 18	Amount advanced during year ending 18	Total amount advanced.	DEMAND OF 18 -18 .			COLLECTIONS OF 18 -18 .			Balance due, i.e., difference of columns 7 and 10.	TOTAL COLLECTIONS INCLUDING COLUMNS 8 and 9.			Amount of advances outstanding at end of year 18 -18, i.e., difference of columns 4 and 12.	REMARKS.
				Principal.	Interest.	Total.	Principal.	Interest.	Total.		Principal.	Interest.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Ajmere ..	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Merwara ..															
TOTAL ...															

Dated

18 .

Commissioner.

Land Improvement Loans.]

[1] No. 1263-115-II, Abu, the 31st October 1891.

In exercise of the powers conferred upon him by section 11 of Act XIX of 1883 (The Land Improvement Loans Act), the Chief Commissioner, with the approval of the Governor-General in Council, is pleased to frame the following rules for the temporary exemption of improvements from assessment to land-revenue in cases where the improvement is made with the aid of a loan under the said Act, and consists of reclamation of waste land, or of the irrigation of land assessed at unirrigated rates:—

These rules shall come into force, with effect from the 1st November, 1891.

Rule 1.—*Reclamation of Waste Land.*—When land is reclaimed from waste with the aid of a loan granted under Act XIX of 1883, and is brought under cultivation, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land until the expiration of a period of five years, reckoned from the beginning of the harvest first reaped after such reclamation was effected.

2. *Improvement by Irrigation.*—When land assessed at unirrigated rates is improved by irrigation with the aid of a loan granted under Act XIX of 1883, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land:—

- (a) If the irrigation is provided by the construction of a new well—until the expiration of twenty years, reckoned from the beginning of the harvest first reaped after such improvement was effected;
- (b) If the irrigation is provided by the construction of a distributary—until the expiration of a period of five years, reckoned as in Clause (a) of this rule directed; or
- (c) If the irrigation is provided by any means other than those hereinbefore in (a) and (b) specified—until the expiration of a period of ten years, reckoned as in Clause (a) of this rule directed.

3. Nothing in these rules shall be understood as limiting the powers of the Chief Commissioner in any case to give more liberal terms to persons who make improvements than are herein detailed, or as depriving any landowner or lessee of any remission or favourable assessment to which he may be entitled under the terms of any existing agreement or unexpired settlement.

LAWS REGULATION No. III of 1877.

A Regulation to declare and amend the law in force in Ajmere and Merwara.

(Published in the Gazette of India, 1877, Part I, p. 636, and in the Rajputana Official Gazette, 1878, p. 45.)

WHEREAS it is expedient to declare and amend certain portions of the Preamble. law in force in Ajmere and Merwara ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY AND GENERAL.

1. This Regulation may be called the Ajmere Laws Regulation, 1877. Short title.

It extends to the territories now under the administration of the Chief Local extent. Commissioner of Ajmere, and to which the provisions of the 33rd of Victoria, cap. 3, section 1, [a] have been applied ;

And it shall come into operation on such date [b] as the said Chief Commence- Commissioner, with the previous sanction of the Governor-General in Council, ment. may, by a notification in the Gazette of India, direct.

2 On and from such date the following shall be repealed, that is to Repeal of say :— enactments.

- (a) All Bengal Regulations except the Regulations referred to in section 3 of this Regulation ;
- (b) All Acts of the Governor-General in Council which do not expressly, or by necessary implication, extend to the said territories or any part thereof, and may not prior to the said date, and in exercise of a power conferred by an Act of the Governor-General in Council, have been extended thereto or declared to be in force therein ;
- (c) All rules, regulations and enactments, not being Statutes, Bengal Regulations, Acts of the Governor-General in Council, Regulations enacted under the 33rd of Victoria, cap. 3, section 1, [a] or rules or regulations made in exercise of a power conferred by any Statute or by any such Regulation or Act ;

[a] Printed in the Collection of Statutes relating to India, Ed. 1881, Vol. II, p. 678.
[b] The 1st January, 1878—see Rajputana Official Gazette, 1877, p. 290.

Laws Regulation.]

(d) The enactments specified in the first schedule hereto annexed, to the extent mentioned in the third column thereof.

Saving.

But nothing contained in this section shall affect anything done, or any offence committed, or any fines or penalty incurred, or any proceedings commenced, before the said date.

Regulations
to be deemed
to be in force.

3. The Regulations specified in the second schedule hereto annexed shall be deemed to be in force throughout the said territories to the extent mentioned in the third column of the said schedule.

But the powers and functions incident to the operation of the said Regulations, so far as such powers and functions are referred to in the fourth column of the said schedule, shall be exercised and discharged by the authority mentioned in that column

Rules of
decision in
cases of cer-
tain classes.

4. In questions regarding succession, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family-relations, wills, legacies, gifts, partitions, or any religious usage or institution, the rule of decision shall be the Mohammedan law in cases where the parties are Mohammedans, and the Hindu law in cases where the parties are Hindus, except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Regulation :

Provided that, when among any class or body of persons or among the members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

Rule in cases
not expressly
provided for.

5. In cases not provided for by section 4 of this Regulation, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

CHAPTER II.

PRE-EMPTION.

Right of pre-
emption.

6. The right of pre-emption is a right of the persons hereinafter mentioned, or referred to, to acquire, in the cases hereinafter specified, immoveable property in preference to all other persons.

Laws Regulation.]

(d) The enactments specified in the first schedule hereto annex to the extent mentioned in the third column thereof.

Saving

But nothing contained in this section shall affect anything done, or offence committed, or any fines or penalty incurred, or any proceedings commenced, before the said date.

Regulations
to be deemed
to be in force.

3. The Regulations specified in the second schedule hereto annex shall be deemed to be in force throughout the said territories to the extent mentioned in the third column of the said schedule.

But the powers and functions incident to the operation of the said Regulations, so far as such powers and functions are referred to in the fourth column of the said schedule, shall be exercised and discharged by the authority mentioned in that column.

Rules of
decision in
cases of cer-
tain classes.

4 In questions regarding succession, special property of females, betrothal, marriage, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions, or any religious usage or institution the rule of decision shall be the Mohammedan law in cases where the parties are Mohammedans, and the Hindu law in cases where the parties are Hindus except in so far as such law has been by legislative enactment altered or abolished, or is opposed to the provisions of this Regulation :

Provided that, when among any class or body of persons or among members of any family any custom prevails which is inconsistent with the law applicable between such persons under this section, and which, if not inconsistent with such law, would have been given effect to as legally binding, such custom shall, notwithstanding anything herein contained, be given effect to.

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not expressly
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5 In cases not provided for by section 4 of this Regulation, or by any other law for the time being in force, the Courts shall act according to justice, equity and good conscience.

CHAPTER II.

PRE-EMPTION.

Right of pre-emption.

6. The right of pre-emption is a right of the persons hereinafter mentioned, or referred to, to acquire, in the cases hereinafter specified, immovable property in preference to all other persons.

14. If the Court find for the plaintiff, the decree shall specify a day on or before which the purchase-money or the amount to be paid to the mortgagee shall be paid. Decree to fix time for payment.

15. If such purchase-money or amount is not paid into the Court before it rises on that day, the decree shall become void, and the plaintiff shall, so far only as relates to such sale or mortgage, lose his right of pre-emption over the property to which the decree relates. Effect of non-payment of purchase-money.

CHAPTER III.

CRIMINAL LAW AND POLICE.

16. When an offence has been, or may reasonably be supposed to have been, committed, whether within or beyond British territory, and whether by British subjects or others, and the tracks of the persons who may reasonably be supposed to have committed such offence, or of any animal or property reasonably supposed to be connected with such offence, are followed to a spot within the immediate vicinity of any village, the residents of such village shall render every assistance in carrying on such tracks. Villagers to aid in tracking.

17. The trackers of the village or locality where the offence was committed and the sufferers from the same shall continue with the trail, until the tracks have been acknowledged by some village through the lands of which they pass. Duty of complainant and his trackers;

18. The trackers of each village within the lands of which the tracks are found shall accompany the trail until the tracks have been acknowledged by some village further on in which the said tracks are found. Of other trackers.

19. When the tracks cease to be discernible, the trackers then in charge shall proceed at once to the nearest police-station, and make a report of the case. Procedure when tracks are lost.

20. If the inhabitants of any village fail to give forthwith the assistance required by section 16 of this Regulation, or if they do not afford full opportunity for search in their houses for the offenders or property, or if it appears that they or any of them were conniving at the offence, or at the escape of the offenders, or at the removal or concealment of the property, and the offenders or the property cannot be traced beyond such village, the Magistrate of the district may inflict a fine upon such village not exceeding Power to fine villager for breach of track law.

Laws Regulation.]

a Muhammadan husband, whether such claim is made during his lifetime or after his death, and whether it is a claim made by a plaintiff, or a claim by way of set-off or lien made by a defendant, the Court shall allow such amount only as appears to be reasonable with reference to the means of such husband, anything to the contrary in such contract notwithstanding.

Amount of
interest to
be decreed

33. The amount of interest which may be decreed in any suit instituted in any Civil Court for the period prior to the date of the suit shall not exceed the amount of the principal sum of money received by the defendant from the plaintiff or the persons whom the plaintiff represents.*

Slaughter of
animals and
sale of beef.

34 The Chief Commissioner may, from time to time, make rules regulating and restricting the slaughter of animals and the sale of beef or other meat.

In case of emergency the Magistrate of the district, subject to the control of the Commissioner, may issue orders of a similar nature, to remain in force for any period he may fix not exceeding one month.

Sale of flesh,
or shooting
etc., within
limits of any
religious
place.

35. Where the sale of flesh, or shooting, or killing animals is, at the time this Regulation comes into force, prohibited within the limits of any religious place, by order of the Magistrate of the district with the sanction of the Commissioner, such prohibition shall continue unless or until otherwise ordered by the Chief Commissioner.

36. [*Manufacture of salt.*] Repealed by Act XII of 1882.

37. [*Confiscation of salt manufactured without license.*] Repealed by Act XII of 1882.

Recovery of
revenue
other than
land revenue.

38. The Chief Commissioner may, with the previous sanction of the Governor-General in Council, invest any officer by name or office with all or any of the powers conferred by the Ajmere Land and Revenue Regulation, 1881.

* In the High Court of Judicature for the N. W. P., Civil side
Dated Allahabad, the 19th January, 1881.

PRESENT.

The Hon'ble Mr. Justice ... The Hon'ble Mr. Justice ...

Our opinion may be communicated to the referring officers
(Vide reference to the High Court of Judicature, N. W. P., in the Case No 3 of 1880, on
file of the Judge of the Court of Small Causes at Beawar in Merwara)

{Laws Regulation.

1877 [a], for the recovery of land-revenue or for the recovery of any other revenue due to the Government,

39. [Taxation in cantonments.] *Repealed by Act XIII of 1889.*

40. In addition to the other matters for which the Chief Commissioner is empowered to make rules by this Regulation, he may, from time to time, make rules as to the following, that is to say:—

- (a) The maintenance of watch and ward, and the establishment of a proper system of conservancy and sanitation at fairs and other large public assemblies;
- (b) The imposition of taxes for the purposes mentioned in clause (a) of this section on persons holding or joining any of the assemblies therein referred to;
- (c) The custody of judicial records, civil and criminal; [b]
- (d) The appointment, duties, punishment, suspension and dismissal of all ministerial officers.

41. The Chief Commissioner may, in making any rule under this Regulation, attach to the breach of it, in addition to any other consequences that would ensue from such breach, a punishment, on conviction before a Magistrate, not exceeding rigorous or simple imprisonment for a month, or a fine of two hundred rupees, or both

42. No rule made by the Chief Commissioner under this Regulation shall take effect until it has been sanctioned by the Governor-General in Council and published in the Gazette of India.

All such rules when so sanctioned and published shall, in so far as they are consistent with this Regulation, have the force of law.

FIRST SCHEDULE.**ACTS REPEALED.**

(See section 2, clause (d) .)

Number and year of enactment.	Title or abbreviated title.	Extent of repeal.
Act I of 1847	An Act for the establishment and maintenance of boundary-marks in the North-Western Provinces — — —	So much as has not been repealed.
Act XIX of 1863	Partition of estates . . . — —	So much as has not been repealed.

[a] Printed *supra*, p. 458.

[b] Words repealed by Act III of 1878, s. 9, are omitted.

Laws Regulation.]

[1] No. 1249-716, Dated Abu, 12th October 1887.

The Chief Commissioner of Ajmere-Merwara with the previous sanction of the Governor-General in Council, is pleased to prescribe under section 26 of the Ajmere Laws Regulation (III of 1877), the following as the form of register to be kept by the Lamberdars, of each village, or, where there are several Lamberdars, by such one of them as the District Magistrate may direct, for the registration of all new cattle brought to the village:—

[illegible]

[2] No. 735, Abu, the 16th July 1889.

In exercise of the power conferred by clause (d) of section 40 of the Ajmere Laws Regulation, III of 1877, the Chief Commissioner has, with the previous sanction of the Governor-General in Council, made the following rules for the appointment, punishment, suspension and dismissal of ministerial officers in the Ajmere Commission.

1. All appointments, transfers and promotions in the superior service

1. Revenue Department.
 2. Judicial Department.
 3. Educational Establishment (clerical establishment at head-quarters).
 4. Sub-Registrar of Assurances.
- in the Departments marginally noted, shall be made by the Commissioner, who shall also regulate all transfers not provided for in these rules, and, as District Judge, shall control the process-serving establishment.

(1) Published at page 594 of the Gazette of India, Part II

[2] Gazette of India for 1892, Part II, pp. 504-505.

d 22nd October 1887.

[Laws Regulation.]

IX.—No person shall be appointed to a Supervisorship, whether hereditary or otherwise, until after the expiry of one year of probation. In all cases the last appointed person shall come in at the bottom of the list in the lowest grade of Supervisorship.

X.—Every person failing to pass the prescribed examination shall, except for special reasons to be recorded, be removed by the Commissioner.

XI.—No minor shall, under any circumstances, be appointed to any Supervisorship.

✓XII.—The Collector may, on good cause shown, fine any Supervisor a sum not exceeding one month's pay, or may suspend him for a period of three months.

XIII.—The appointment of Patwari is not strictly hereditary, but the heir of a deceased Patwari, if qualified, and if the zamindars of the circle consent to his appointment, shall have the preference.

XIV.—When a Patwari has been dismissed for any fault, his heir shall have no preferential claim, but the appointment shall be made with the consent of the zamindars of the circle. Should they nominate the heir of the dismissed Patwari, the Collector shall have the power, on grounds to be recorded by him, of vetoing the nomination.

XV.—In case of a dispute as to the nomination of a person for a Patwari's appointment, that person shall be considered to be nominated by the circle who is supported by the votes of the zamindars paying the largest aggregate amount of Government revenue. Failing any nomination within a reasonable time and after reasonable warning, the Collector shall himself nominate a Patwari to the vacant circle.

XVI.—Subject to the above limitations, the nominee of the zamindars of the circle shall, if qualified, be appointed to the post of Patwari.

XVII.—No man shall be permanently appointed as Patwari who has not passed an examination in—

- (a) Reading and writing Hindi;
- (b) Arithmetic up to the rule-of-three;
- (c) Surveying by plane-table;
- (d) Patwaris' rules.

(a) Persons nominated for the post of Patwari or Naib Patwari ;
(b) Candidates who may be either members of the families of any existing Patwari or outsiders: Provided that, with respect to these last, if the candidate do not receive an appointment within two years after passing the examination, that examination shall be considered cancelled.

XX.—The Collector may, on good cause shown, suspend any Patwari or Naib Patwari for any period not exceeding six months, or fine him a sum not exceeding one month's pay.

NOTIFICATION.

[^a] No. 910-755, Abu, the 17th August, 1893.

In supersession of all existing rules, orders, and forms in respect of the

- | | | |
|-----|--|--|
| 1. | The Court of District and Sessions Judge. | |
| 2. | " " " " Magistrate and Sub-Judge, 1st class, | |
| | Ajmere. | |
| 3. | " " " " " " " " " " " " | |
| 4. | " " " " " " " " " " " " | |
| 5. | " " " " " " " " " " " " | |
| 6. | " " " " " " " " " " " " | |
| 7. | " " " " " " " " " " " " | |
| 8. | " " " " " " " " " " " " | |
| 9. | " " " " " " " " " " " " | |
| 10. | " " " " " " " " " " " " | |
| 11. | " " " " " " " " " " " " | |
| 12. | " " " " " " " " " " " " | |
| 13. | " " " " " " " " " " " " | |
| 14. | " " " " " " " " " " " " | |
| 15. | " " " " " " " " " " " " | |

rules for the guidance of the Nazirs, Naib Nazirs, and Ahlmdads of the Courts in the Ajmere-Merwara District named in the margin:—

1. Unless otherwise expressly provided, the word "Nazir," as used in these rules, shall include the Ahlmad of a court to which a Nazir or a Naib Nazir is not attached.

[Laws Regulation.]

2. For the purpose of these rules, the District Nazir shall be deemed to be the Nazir attached to the courts at Ajmere, including the court of the Tehsildar and the Naib Tehsildars of Ajmere and the courts of the Honorary City Magistrates.

3. The Nazir of each court shall keep the following registers:—

	Form.
I. Civil deposits	B.
II. Repayment of civil deposits	BB.
III. Criminal deposits	C.
IV. Repayment of criminal deposits	CC.
V. Revenue deposits	D.
VI. Repayment of revenue deposits	DD.
VII. Fine and penalty register	E.
VIII. Register of forfeitures	F.
IX. Register of miscellaneous receipts	G.
X. Register of payments into treasury	H.
XI. Register of deposits of expenses of witnesses in criminal cases	I.
XII. Register of payment of expenses to witnesses in criminal cases	II.
XIII. Register of deposits of expenses of witnesses in civil cases	J.
XIV. Register of payment of expenses to witnesses in civil cases	JJ.
XV. Daily cash book of receipts and disbursements	K.

4. A monthly abstract of the Deposit Registers (Forms B, C, and D), showing the items remaining undisposed of for more than six months, shall be submitted by the Nazir for the orders of the court concerned.

5. The register of payments into the Treasury (Form H) shall be kept in duplicate (counterfoil). The duplicate copy shall accompany the remittance to the Treasury.

Note 1.—This rule shall not apply to courts situate at places where no Government Treasuries exist.

Note 2.—Form II shall be kept in English.

6. The District Nazir or the Nazir shall endorse on the original writ or order of the court the number and date of each payment into the Treasury (as borne on the Register appertaining to the transaction), such endorsement being countersigned by the Treasurer.

Rules relating to unclaimed property.

7. A register of unclaimed property shall be kept by the Nazir attached to the court of a District Magistrate in Form A hereto annexed.

Laws Regulation.]

8. The Nazir shall, without delay, credit to the Treasury, under the head Criminal Deposits, the sale-proceeds of unclaimed perishable property sold by him under the orders of the District Magistrate, before the expiry of six months from the date of the proclamation referred to in section 26 of Act V of 1861.

All other unclaimed property detained by a District Magistrate under that section shall be kept by the Nazir for six months from the date of the proclamation.

9. If no person appears within six months from the date of a proclamation, issued under section 26 of Act V of 1861, to claim the property to which the proclamation referred, the Nazir shall, on the expiry of that period, take the orders of the District Magistrate as to the disposal of the property detained or of the money credited to the Treasury under the last foregoing rule, as the case may be.

10. The Nazir shall, as soon as may be after each entry in the register of unclaimed property is disposed of, obtain the signature to the register of the District Magistrate under whose order such entry was disposed of, or of such other official as the District Magistrate may appoint in this behalf.



FORM A.

Register of unclaimed property found in the district of *Almere* during the year *1899*

1	Serial number.	
2	Name of police station and abstract of police report.	
3	Date of receipt of property.	
4	Cash.	
5	Other property.	
6	Particulars.	
7	Amount realized.	
8	Expenses incurred on account of cartage, etc.	
9	Particulars of property.	
10	Amount realized.	
11	Date.	
12	Amount.	
13	Signature of Treasurer.	
14	Signature of Treasury Officer or Head Agent.	
15	Disposal of property.	
16	Date of sale by auction.	
17	Name of purchaser.	
18	Amount of sale-proceeds.	
19	Withdrawn from criminal deposits.	
20	Amount credited to Government and date of credit.	
21	Amount carried to cash book.	
22	Treasurer.	
23	Treasury Officer or Head Agent.	
24	Date.	
25	Cash by cheque against criminal deposits.	
26	Other property.	
27	Signature of recipient.	
28	Signatures of two witnesses in case recipient is illiterate.	
29	REMARKS.	

FORM BB.

Register showing refunds of civil deposits for the year

[Laws Regulation.

1	2	3	4	5	6	7	8	9	10	11	12
Date of repayment.	Number of entry in receipt register.	Number of entry in Treasury register.	Date of receipt of deposit.	Date of order of court for repayment.	Name of payee.	Amount repaid by cheque.	Deposited and credited to Government.	Initials of Nazir.	Daily total carried to cash book.	Initials of Judge.	REMARKS.

FORM CO.

Register showing refunds of criminal deposits for the year

[illegible]

FORM G.

Register of miscellaneous receipts for the year

Date of receipt	Serial No.	From whom received.	ON WHAT ACCOUNT.				Total receipts carried to cash book.	Total amount remitted to Treasury and carried to cash book.	Date of remittance to Treasury	SIGNATURE OF		REMARKS
			Copying fee	Litho fee	Other items.	Particulars Amount.				Treasurer.	Treasury Officer or Head Accountant according as the amount is over or under \$500.	
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM H.

(TO BE KEPT IN ENGLISH.)

Register of payments into Treasury.

No.	Date.	Reference to account register.	Particulars.	Amount.	REMARKS.
1	2	3	4	5	6

FORM II.

Register of payments of expenses to witnesses in criminal cases other than those provided for in Chief Commissioner's Notification No. 804-127, dated 29th July 1886.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Date of payment.	Number of entry as deposited.	Name of court.	Number and description of case.	Names of witnesses.	Date at which diet allowance paid.	Residence.	Number of days allowed for journey to and from court.	For how many days detained in court.	Total of columns 4 and 9.	Diet allowance.	Travelling expenses.	Total of columns 11 and 12.	Refund, if any, made to party depositing and his signature.	Estimate of officers before whom paid.	Daily total carried to cash book.	REMARKS.

Laws Regulation.]

FORM

Daily cash book

Date.	PARTICULARS OF RECEIPTS.				Amount.
1st July, 1891,	OPENING BALANCE—				<i>Rs. a p.</i>
	Permanent advance	...	...	50 0 0	
	Other cash	...	...	10 0 0	60 0 0
	UNCLAIMED PROPERTY—				
	Register No. 2	...	...	1 8 0	
	Register No. 16	..	...	2 9 3	4 1 3
	DEPOSITS—				
	Civil	...	...	200 0 0	
	Criminal	..	...	15 0 0	
	Revenue	..	...	100 0 0	315 0 0
	Fines and penalties	...	...	...	50 0 0
	Forfeitures	...	...	...	8 12 9
	Miscellaneous receipts	...	...	..	9 7 5
	Expenses of witnesses in criminal cases deposited	..	...	...	10 0 0
	„ „ in civil cases	..	...	...	20 0 0
	Pay of establishments	..	...	...	1,510 5 4
	Travelling allowance of ditto.	...	...	...	50 0 0
	Contingencies	...	...	...	529 0 0
GRAND TOTAL				...	2,566 10 2

NOTE.—Sums for which no separate register has been prescribed in the rules, should

K.

receipts and disbursements.

Date.	PARTICULARS OF DISBURSEMENTS.	Amount.
	UNCLAIMED PROPERTY CREDITED TO— <i>Rs a p</i>	<i>Rs a p</i>
	Government (Registers Nos. 2 and 16)	4 1 3
	DEPOSITS—	
	Civil 50 0 0	
	Criminal 4 1 3	
	Revenue 60 0 0	
		114 1 3
	Fines and penalties credited to Government ...	50 0 0
	Forfeiture ditto.	8 12 9
	Miscellaneous receipts credited to Treasury ..	9 7 5
	Expenses of witnesses in criminal cases paid (Register II)	5 0 0
	Do. do. civil cases (Register JJ) ...	8 12 0
	PAY OF ESTABLISHMENT—	
	H. N. Ahmad, Judicial Assistant Commis-	
	sioner's Court 15 0 0	
	S. B. Treasury Officer 4 0 0	
	A. B. Record-keeper 80 0 0	
	... .. 1,401 0 0	
1st July, 1891	Travelling allowance paid to N. B.	1,500 0 0
		45 0 0
	CONTINGENT CHARGES—	
	Paid to G. R. on account of hire of Thelas	
	Expenses of witnesses in cognizable cases ..	...
	TRAVANCY CHARGES—	
	Petty charges as per contingent register ..	550 0 0
	TOTAL ..	2,595 2 8
	BALANCE ...	271 8 1
	GRAND TOTAL ..	2,866 10 9
	DETAILS OF BALANCE—	
	DEPOSITS— <i>Rs a p</i>	
	Civil 100 0 0	
	Criminal 10 14 9	
	Revenue 43 0 0	
		200 14 9
	Cash	70 9 4
		271 8 1

be accounted for in the cash book under distinct heads on other side.

Signature of Nazir.

Signature of Assistant Commissioner.

Laws Regulation.]

NOTIFICATION.

[a] No. 1172-37 P. W. D., Abu, the 24th September, 1887.

Under the authority vested in him by sections 40 and 41 of the Ajmere Laws Regulation (III of 1877), the Chief Commissioner of Ajmere-Merwara, with the previous sanction of the Governor-General in Council, is pleased to frame the following rules for the imposition and levy of a shop-tax at the Pokhur Fair, for the maintenance of watch and ward, and the establishment of a proper system of conservancy and sanitation at the said Fair.

RULES.

- I. The control of all arrangements in connection with Pokhur Fair shall be vested in a committee composed of.—

President :

Assistant Commissioner, Ajmere.

Members :

A Native Magistrate.

Two Headmen of Pokhur.

Two Non-Official Hindus of Ajmere.

Two Non-Official Muhammadans of Ajmere,

NOTE.—The above members to be annually nominated by the Commissioner.

- II. The committee are empowered to levy a tax on shops according to the scale specified in the schedule hereunto annexed (Schedule I).
- III. The committee shall prepare a list of shops liable to be taxed under these rules, on or before the third day of the Fair, and determine the amount of the tax that should be paid by each shop-keeper, and enter the same in a register (Schedule II) certified extracts of which shall, without delay, be supplied to all persons who have been taxed, showing—
- Number.
 - Name of shop-keeper.
 - Profession.
 - Rate charged.
 - Grounds on which the maximum or minimum rate has been charged.
 - Date of payment.
 - Signature of the member of the Committee collecting the tax.

[Laws Regulation.]

The committee shall be at liberty to make such additions to the list as may be necessary from time to time during the Fair.

- IV. The delivery of the extracts shall be followed by immediate payment of the tax, but any person may within twenty-four hours of the delivery of the extract referred to in Rule III, present his petition of objection on unstamped paper, stating the grounds of his objection. The petition shall be accompanied by the original extract, and a refund shall be made, if the petition is accepted.
- V. The president shall appoint a sub-committee of not less than three members for the purpose of hearing objections, and their decision shall be final.
- VI. The president may reduce or remit the rate charged on any shop-keeper, if he thinks that it is excessive, or that the shop-keeper has not sufficient means to pay the same.
- VII. The collections shall be made by the members of the committee, after the assessments have been made and agreed to by any two members of the committee and by the Native Magistrate.
- VIII. The amount recovered shall be noted on the extract in the shop-keeper's possession, and shall also be entered in the assessment register.
- IX. In case of non-payment of the tax, the same shall be recoverable by order of the president, by attachment and sale of the articles exposed for sale, or of other moveable property belonging to the defaulters.
- X. Any person evading payment of the tax shall on conviction before a Magistrate be liable to pay five times the amount payable under the rules, and in case of default in payment of the penalty, to undergo simple imprisonment for a period not exceeding one month.

Laws Regulation.]

XIII. Matters not specifically provided for in the preceding rules, regarding the apportionment and distribution of the tax, may be dealt with under the orders of the committee, who shall report their proceedings under this rule to the Chief Commissioner through the Commissioner.

XIV. The committee are further empowered to frame subsidiary rules as to matters of procedure and detail connected with the recovery and application of the tax.

SCHEDULE I.

						Maximum.			Minimum.		
						Rs.	A.	P.	Rs.	A.	P.
Provision sellers	...	...	...	...	...	3	0	0	0	2	0
Confectioners	...	...	...	...	...	3	0	0	0	2	0
Pedlars	...	...	...	...	...	2	8	0	0	4	0
Money changers	...	...	...	...	...	3	0	0	0	8	0
Vegetable sellers	...	...	...	...	...	1	0	0	0	2	0
Cloth merchants	...	...	...	...	...	3	0	0	0	8	0
Hardware dealers	...	...	...	...	...	2	0	0	0	8	0
Others	...	...	...	...	...	1	8	0	0	1	0

SCHEDULE II.

1	2	3	4	5	6	7	8	9
Number.	Name of shop keeper.	Profession.	Probable value of goods, &c., for sale	Rate charged.	Grounds on which the maximum or minimum rate has been charged.	Date of payment.	Result of objection if any.	REMARKS.
				Rs. A. P.				
				.				

CIRCULAR No. 21 OF 1881.

To

ALL COURTS.

Recently cases relating to sale of land and foreclosure of mortgages of immovable property in which no notice was given to pre-emptors as required by section 10 of the Ajmere Laws Regulation No. 3 of 1877, have come before me, and I have reason to believe that the provisions of that section have generally been overlooked, I would therefore invite your attention to this subject, and would request that these provisions of the law be carefully observed in future.

2. A copy of the section above quoted is annexed for facility of reference.

I have &c.

(Sd) LESLI S. SAUNDERS,

Commissioner.

Dated the 25th July 1881.

Local Authorities Loans Act.]

LOCAL AUTHORITIES LOANS ACT.

NOTIFICATION.

[^a] *No. 15, dated Calcutta, 1st January 1889.*

In exercise of the powers conferred by section 5 of the Local Authorities Loans Act, 1879, the Governor-General in Council has made the following Rules for the grant of loans to Local Authorities by the Government:—

1 These rules shall come into force on the 1st day of February 1889. On and from that date the rules published with Notification No. 2749, dated 17th August, 1883, in so far as they relate to the granting of loans shall be rescinded, except as regards loans applied for before these rules come into force. [^b]

2. In these Rules (1) "the Act" means The Local Authorities Loans Act, 1879; (2) "Local Authority" and (3) "funds" have the meanings assigned to them respectively in the Act; (4) "the Local Authority" means the Local Authority applying for, or, as the case may be, receiving or having received the loan; (5) "loan" means a loan under the Act. [^c]

3. A loan must be defined in rupees, and not by the sterling or any other foreign standard.

4. No loan shall be granted except for the construction or repair of works of public utility within the local limits of the area, subject to the control of the Local Authority, or for the benefit of the inhabitants within these limits.

5. [Cancelled by Notification No. 417, dated 24th January 1890.] [^d]

6. An application for a loan shall state—

1st—The work, or works for the construction or repair of which the loan is required, and an estimate of the cost thereof:

[^a] Gazette of India Part I, for 1889, page 13.

[^b] For Rules framed under the Local Authorities Loans Act in 1879, see Notification No. 3745, dated 9th November 1879, Gazette of India, Part I, for 1879, page 721.

These rules were rescinded, so far as they related to the authorization of loans by rules published with Notifications No. 2748 and 2749, dated 17th August, 1883, vide Gazette of India Part I, for 1883, pages 346—349.

[^c] Rule 6 cancelled by Notification 417, dated 24th January, 1890, Gazette of India Part I, for 1890, page 67.

[^d] Vide Gazette of India, Part I, for 1890, page 67.

2nd—The amount which it is proposed to borrow :

3rd—The fund or funds, on the security of which it is proposed to borrow :

4th—The law or laws under which the said fund or funds is or are levied, received or held :

5th—The period for which the loan is required, the number and amount of the instalments, if any, in which it is proposed that the loan shall be taken, the dates proposed for receiving such instalments, and the instalments, if any, in which it is proposed to repay the loan :

6th—A detailed account of the revenue and expenditure of the Local Authority for the three last preceding years :

[NOTE.—Debt and deposit transactions, such as receipts from, and repayments of, loans and deposits from contractors and others, should not be included under revenue and expenditure, but should be shown separately. All important variations in the amounts of revenue and expenditure should be explained.]

7th—All existing prior charges upon the funds of the Local Authority.

7. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application, and into the use and value of the proposed work.

8. If it appears to the Local Government that the loan ought not to be granted, it shall reject the application.

9. If it appears to the Local Government probable that the loan ought to be granted it shall cause to be published in the local official Gazette, and otherwise, as it deems fit, within the local limits of the area, subject to the control of the Local Authority, a copy of the application and such particulars in regard to any enquiry made under Rule 7, as it may think necessary.

10. After the expiry of one month from such publication, and after calling for any further information which it may require, and considering any objections which may be preferred, the Local Government may either reject the application, or grant the loan if funds are available from the grant placed at its disposal for the purpose: Provided that, where the Local Authority is any one of the corporations mentioned or referred to in clause [a] of the proviso to section 8 of the Act, the Local Government if it approves the application, shall not itself proceed to sanction it, but shall refer the application for the orders of the Governor-General in Council.

Local Authorities Loans Act]

11. The Local Government shall make such provision as may seem to be necessary for the proper inspection of all works which are being carried out by means of a loan, and for ascertaining and securing that the loan is duly applied to the purposes for which it is made. Every such work, and the accounts connected therewith, shall be open at all times to the inspection of the Superintending or Executive Engineer in whose division the work is situate, and of any person who may be authorised to inspect the accounts of the Local Authority, and of any other person specially authorised by the Local Government in this behalf.

12. If the Local Government considers that the conditions on which a loan was granted have not been fulfilled, or that the Local Authority has failed to comply with any of the requirements of these Rules, it may, at any time, order that no further payments shall be made on account of such loan, and recover the amount advanced, with interest thereon, in the manner mentioned in section 6 of the Act.

13. Interest shall be charged half-yearly on each loan at the rate agreed upon; and shall be reckoned and paid on each instalment from the date on which it is received.

14. The Local Authority may, at any time, with the previous consent of the Local Government, repay the whole or any part of a loan made from the Public Treasury in advance of the period fixed by the conditions of the loan.

15. The cost of any enquiry made under rule 7, of advertisements published under Rule 9, of inspections made under Rule 11, and of any other proceedings by order of the Local Government or the Governor-General in Council under these Rules, shall be determined by the Local Government, and shall be paid by the Local Authority.

16. (a) The accounts of every loan shall be kept by the Accountant-General of the Province in which it is made.

(b) The Local Authority shall give to the Accountant-General and the Local Government any information which they may require regarding the expenditure of the loan and regarding its funds.

17. An annual statement of all loans granted under the Act, repayments due and made during the year, and balances outstanding at the beginning and end of the year in each Province, or under each Local Govern-

ment, shall be prepared by the Accountant-General and submitted to the Government of India through the Local Government, which shall add a report of the progress of the works. Such Statement shall be published in the local official Gazette.

18. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government, within the local limits of the area subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid into the Government Treasury; and the accounts of moneys so collected, and of the cost of the collection, shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

[*] *No. 16, dated Calcutta, 1st January 1889.*

In exercise of the powers conferred by sections 5 and 7 of the Local Authorities Loans Act, 1879, the Governor-General in Council has made the following Rules for the raising of loans by Local Authorities in the open market:—

1. These rules shall come into force on the 1st day of February 1889. On and from that date the rules published with Notifications Nos 2748 and 2471, dated 17th August 1883 and 11th May 1888 respectively, in so far as they relate to the authorisation of loans, shall be rescinded, except as regards loans applied for before these Rules came into force.

2. In these Rules (1) "the Act" means *The Local Authorities Loans Act, 1879*; (2) "Local Authority" and (3) "funds" have the meanings assigned to them respectively in the Act; (4) "the Local Authority" means the Local Authority applying for permission to raise, or, as the case may be, raising or having raised the loan; and (5) "loan" means a loan under the Act.

3. A loan must be defined in rupees, and not by the sterling or any other foreign standard.

Local Authorities Loans Act.]

4. A loan shall not be raised except for the construction or repair of works of public utility within the local limits of the area, subject to the control of the Local Authority, or for the benefit of the inhabitants within those limits, and the term of a loan shall not extend over a longer period than twenty years except under very special circumstances, and in no case over a longer period than thirty years. [b]

5. Whenever it is desired to obtain the authorisation of the Government to the raising of a loan under section 7 of the Act a statement shall be submitted to the Local Government showing:—

1st—The work or works for the construction or repair of which the loan is required, and an estimate of the cost thereof:

2nd—The amount which it is proposed to borrow:

3rd—The fund or funds on the security of which it is proposed to borrow:

4th—The law or laws under which the said fund or funds is or are levied, received or held:

5th—The dates between which the money borrowed is to be received:

[NOTE.—It is essential that the authority to borrow in the market should be limited to a reasonable time, as loans of any considerable amount cannot be held in suspense indefinitely. The dates, therefore, must be fixed with reference to this condition, and must not be so wide apart and so indefinite as practically to be no limitation.]

6th—The term of years for which the money is to be borrowed, the instalments, if any, in which it is to be repaid, and the amount of sinking fund, if any, provided for its repayment:

7th—A detailed account of the revenue and expenditure of the Local Authority for the last three preceding years:

[NOTE.—Debt and deposit transactions such as receipts from, and repayments of, loans and deposits from contractors and others, should not be included under revenue and expenditure, but should be shown separately. All important variations in revenue and expenditure, should be explained.]

8th—All existing prior charges upon the funds of the Local Authority.

6. The Local Government shall cause such enquiry as it thinks necessary or expedient to be made into the statements contained in the application and into the use and value of the proposed work.

[b] Rule 4 was substituted for the original rule by Notification No. 4105, dated 9th August 1899. Vide Gazette of India for 1899, Part I, page 436.

Local Authorities Loans Act.]

13. An attachment of any funds under section 6 of the Act shall be made by a notice to the Local Authority prohibiting the collection or management of such funds by the Local Authority prohibiting the collection or management of such funds by the Local Authority, and vesting the administration thereof in such officer as the Local Government may appoint. Such notice shall be published in the local official Gazette, and otherwise, as may be directed by the Local Government within the local limits of the area, subject to the control of the Local Authority. The moneys collected or received under such attachment shall be paid to the lender, and the accounts of moneys so collected, and of the cost of collection shall be prepared in such form as the Local Government may from time to time direct. A copy of the accounts shall be delivered to the Local Authority, and published in the local official Gazette.

